

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions of the United States Court of Appeals for the Federal Circuit and the United States Court of International Trade

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THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

(T.D. 85-122)

Fish—Tariff-Rate Quota for Calendar Year 1985

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity on certain fish for calendar year 1985.

SUMMARY: The tariff-rate quota for fish pursuant to item 110.55 (TSUS) for the 1985 calendar year is 56,822,178 pounds.

EFFECTIVE DATES: The 1985 tariff-rate quota is applicable to fish described in item 110.50, TSUS, which are entered, or withdrawn from warehouse, for consumption during calendar year 1985.

FOR FURTHER INFORMATION CONTACT: William J. Wagner, III, Head, Quota Section, General Programs Branch, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229, (202)566-8592.

SUPPLEMENTARY INFORMATION: This tariff-rate quota for fish is equal to 15 percent of the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks of cod, cusk, haddock, hake, pollock, and rosefish, for the 3 preceding years, as provided for in Headnote 1, part 3A Schedule 1, and item 110.50, TSUS.

It has been determined that the average aggregate consumption for calendar years 1982 through 1984 was 378,814,524 pounds. Therefore, the quota quantity for fish, item 110.50, TSUS for calendar year 1985 is 56,822,178 pounds.

Dated: July 12, 1985.

WILLIAM VON RAAB,
Commissioner of Customs.

[Published in the Federal Register, July 23, 1985 (50 FR 30040)]

U.S. Production, Entries of American Fisheries, and Imports for Consumption of: Fresh or Frozen Fillets, Steaks and Sticks of Cod, Haddock, Hake, Pollock, Cusk and Rosefish

POUNDS—1982-84

Year	Production	En-tries of Amer- ican fisher- ies	Imports of consump- tion	Total ¹
1982	² 70,994,000		280,198,145	351,192,145
1983	³ 79,812,000		295,143,139	374,955,139
1984	104,800,000		305,496,287	410,296,287
Total	255,606,000		880,837,571	1,136,443,571
3-year average			378,814,523	
15% of 3-year average			56,822,178	
Quarterly quotas for 1985:				
1st			14,205,544	
2nd			14,205,544	
3rd			14,205,545	
4th			14,205,545	
Yearly total			56,822,178	

¹ Apparent consumption as provided in Headnote 1 and item 110.50, Part 3A Schedule 1, TSUS.

² Production figures for 1982 and 1983 were revised by National Fisheries Service, U.S. Department of Commerce by letter dated March 21, 1985.

³ The 1984 import figure is as shown on computer records on January 2, 1985, for the period ending December 31, 1984.

Source: Production from National Marine Fisheries Service, U.S. Department of Commerce, entries of American Fisheries by U.S. International Trade Commission from records of the U.S. Department of Commerce; imports for consumption from records of U.S. Customs Service, Department of the Treasury.

Fish

	Jan. to Mar. 1984
Canada	40,653,292
Total other countries	36,226,379
Grand total	76,879,671
	Apr. to June 1984
Canada	45,521,687
Total other countries	32,129,708
Grand total	77,651,395

Fish—Continued

	July to Sept. 1984
Canada.....	50,638,093
Total other countries.....	34,867,379
Grand total.....	85,505,472
	Oct. to Dec. 1984
Canada.....	33,832,259
Total other countries.....	31,627,490
Grand total.....	65,459,749
Yearly total:.....	305,496,287

19 CFR Parts 4, 10, 19, 24, 103, 113, 134, 141, 143, 145, 148, 152,
162, 171, 173, 191

(T.D. 85-123)

Conforming Amendments to the Customs Regulations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: In accordance with Customs policy of periodically reviewing its regulations to ensure that they are current, this document makes certain conforming changes which are necessary because of various executive, legislative, and administrative actions. Several of the changes in the document implement provisions of the Trade and Tariff Act of 1984. The changes merely conform the regulations to existing law or practice. They are nonsubstantive and essentially are procedural.

EFFECTIVE DATE: July 23, 1985.

FOR FURTHER INFORMATION CONTACT: Marvin M. Amernick, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

BACKGROUND

As part of a continuing program to keep its regulations current, the Customs Service has determined that various executive, legislative, and administrative actions require conforming amendments to the Customs Regulations contained in Chapter 1, Title 19, Code of

Federal Regulations (19 CFR Chapter 1). Following is a list of these actions, the affected sections of the regulations, and the necessary changes.

DISCUSSION OF CHANGES

1. Section 204 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amends § 441(3), Tariff Act of 1930, as amended (19 U.S.C. 1441(3)), to add "vessels carrying passengers on excursions from the U.S. Virgin Islands to the British Virgin Islands and returning" to the list of types of vessels which are not required to make entry with Customs.

As footnote 5 of Part 4, Customs Regulations (19 CFR Part 4), corresponding to § 4.3, sets forth 19 U.S.C. 1441 in its entirety, the footnote is being amended to reflect the revision of subsection (3) of 19 U.S.C. 1441.

2. Section 4.7a, Customs Regulations (19 CFR 4.7a), contains instructions for completing the Cargo Declaration, Customs Form 1302. Although the form has a column for indicating the name of the shipper, such information has not been required. To comply with § 203 of Pub. L. 98-573, the Trade and Tariff Act of 1984, § 4.7a(c) is being amended to reflect this new instruction.

3. Section 208 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amends § 466(e), Tariff Act of 1930, as amended (19 U.S.C. 1466(e)), to make the "special purpose vessel" exemption applicable to any U.S.-flag vessel subject to the vessel repair statute that arrives at a port of the U.S. two years or more after its last departure from a port in the U.S. The amendment further provides that this exemption will not apply to vessels designed and used primarily for transporting passengers and property if the vessel departed the U.S. for the sole purpose of obtaining equipment, parts, materials or repairs. Section 4.14(a)(2)(iii), Customs Regulations (19 CFR 4.14(a)(2)(iii)), is being amended to reflect this amendment to 19 U.S.C. 1466(e).

4. By T.D. 84-213, published in the Federal Register on October 19, 1984 (49 FR 41152), various parts of the Customs Regulations relating to the Customs bond structure were amended. One of the changes made by T.D. 84-213 was to amend § 4.34(h), Customs Regulations (19 CFR 4.34(h)), which concerns cargo undelivered at a foreign port and returned to the U.S., by making specific reference to a bond on Customs Form 301. It now has been discovered that paragraph (h) of § 4.34 contains the identical language as paragraph (g). Accordingly, § 4.34 is being amended by removing paragraph (h) and making the changes set forth in T.D. 84-213 to paragraph (g).

5. Item 808.00, Tariff Schedules of the United States (19 U.S.C. 1202), provided for the duty-free entry of both foreign-built containers in international traffic and of repair components for a particular container. Section 127, Trade and Tariff Act of 1984, amended

Subpart C of Part 1 of Schedule 8, Tariff Schedules of the United States, to provide for the duty-free entry of repair components for any such container instead of for a particular container, and also for duty-free entry of accessories and equipment for any such container. Section 10.41a, Customs Regulations (19 CFR 10.41a), is being amended to reflect these changes.

6. It has been determined that the Declaration for Free Entry of Articles for Colleges, Religious Institutions, Etc. (Customs Form 3321), is no longer required in order for an importer of articles for religious, educational, scientific, and other institutions, to obtain duty-free entry for the articles. Accordingly, it is necessary to amend §§ 10.43, 10.44, 10.52, 10.75, and 145.36, Customs Regulations (19 CFR 10.43, 10.44, 10.52, 10.75, 145.36), which refer to the use of Customs Form 3321 to obtain duty-free entry, to reflect the discontinued use of this form.

7. Pub. L. 93-438, the Energy Reorganization Act of 1974, transferred to the Energy Research and Development Administration, all functions of the Atomic Energy Commission not specifically transferred to the Nuclear Regulatory Commission. Pub. L. 95-91, the Department of Energy Organization Act of 1978, transferred the functions of the Energy Research and Development Administration to the Department of Energy. Accordingly, § 10.102, Customs Regulations (19 CFR 10.102), which relates to the duty-free entry of articles for governmental agencies or offices, is being amended to delete reference to the abolished agency.

8. Section 115 of Pub. L. 97-446, amended § 321(a)(2)(A), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(A)), to provide that bona-fide gifts from persons in foreign countries to persons in the U.S. having an aggregate fair retail value in the country of shipment not exceeding \$50, may enter the U.S. free of duty and tax and without making a Customs entry. In the case of articles sent from persons in the U.S. Virgin Islands, Guam, and American Samoa, the value is \$100. Previously, the values were \$25 and \$40, respectively. Sections 10.152, 10.153 and 145.32, Customs Regulations (19 CFR 10.152, 10.153, 145.32), are being amended to reflect these changes.

9. Section 206 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended § 498(a)(1), Tariff Act of 1930, as amended (19 U.S.C. 1498(a)(1)), by increasing the informal entry limit from \$250 to \$1,250. However, it exempted all articles valued in excess of \$250 classified in Schedule 3, parts of Schedule 7, and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated or any other article for which formal entry is required without regard to value. Under 19 U.S.C. 1498(a)(1), the Secretary of the Treasury may specify the exact amount of the informal entry limit. The limit may vary for different classes or kinds of merchandise or different classes of transactions. After thorough consideration of the issue, it has been determined that, with the exception of the

specific exclusions, the informal limit for all articles will be set initially at \$1,000, with the option to increase it to \$1,250 in the future. This change is being reflected by amending §§ 10.173, 141.82, 143.21, 143.22, 143.23, 145.12, 145.35 and 145.41, Customs Regulations (19 CFR 10.173, 141.82, 143.21, 143.22, 143.23, 145.12, 145.35, 145.41).

10. By T.D. 84-109, published in the Federal Register on May 8, 1984 (49 FR 19447), § 10.183, Customs Regulations (19 CFR 10.183), relating to Civil Aircraft, was established. The sample form, entitled "BLANKET CERTIFICATION FOR CIVIL AIRCRAFT PARTS", which was included in § 10.183(d)(2), contains an incorrect reference to, "section 10.183, Customs Regulations (19 U.S.C. 10.183)." The correct reference should be to "§ 10.183, Customs Regulations (19 CFR 10.183)." Accordingly, § 10.183(d)(2) is being amended to correct the reference.

11. T.D. 84-213, published in the Federal Register on October 19, 1984 (49 FR 41152), amended § 19.14(d), Customs Regulations (19 CFR 19.14(d)), relating to the transfer of domestic spirits from the bonded premises of a distilled spirits plant to a bonded manufacturing warehouse, or for the transfer of domestic wines from a bonded wine cellar to a bonded manufacturing warehouse, by making specific reference to a bond on Customs Form 301. As amended, § 19.14(d) is an incomplete sentence. Accordingly, it is being further amended by adding the words "shall be required" at the end of the sentence.

12. Section 24.16(c), Customs Regulations (19 CFR 24.16(c)), relating to application and bond for overtime services performed by Customs officers, is being amended by removing an "s" at the end of the word "provisions". A bond only contains one provision to secure reimbursement.

13. Section 24.18(f), Customs Regulations (19 CFR 24.18(f)), regarding the reimbursable costs involved in preclearance of air travelers in a foreign country, incorrectly refers to § 24.15, Customs Regulations. Section 24.18(f) is being amended to correct the reference to § 24.16, Customs Regulations.

14. Section 103.11, Customs Regulations (19 CFR 103.11), contains a list of specific Customs Service records subject to disclosure. The list of administrative staff manuals and instructions in § 103.11(a) contains several obsolete publications. It is being revised and updated.

14a. Section 203 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amends § 431 of the Tariff Act of 1930, as amended (19 U.S.C. 1431), by removing the requirement that an importer/consignee, in its biennial certification, state reasons for requesting confidentiality of its identity and/or the identity of its shipper. Accordingly, Customs is amending § 103.14, Customs Regulations (19 CFR 103.14), to reflect the changes made to 19 U.S.C. 1431. This change will relieve Customs of the requirement to make determinations re-

garding the legal sufficiency of importer/consignee claims for confidentiality.

15. Various parts of the Customs Regulations relating to the Customs bond structure were amended by T.D. 84-213, published in the Federal Register on October 19, 1984 (49 FR 41152). That document contained a typographical error. The title for the international carrier bond conditions in § 113.64(a), Customs Regulations (19 CFR 113.64(a)), is shown as "Agreement to Pay Penalties, Duties, Taxes, and Other Changes." The correct title is, "Agreement to Pay Penalties, Duties, Taxes, and Other Charges." Section 113.64(a) is being amended to make the correction.

16. Section 207 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended § 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), to provide that no exception shall be made for the country of origin marking of certain pipe and pipe fittings, compressed gas cylinders, and certain manhole rings or frames, covers, and assemblies thereof, by means of die stamping, cast-in-mold lettering, etching, or engraving, etc. Therefore, "Pipes, iron or steel, and pipe fitting of cast or malleable iron" must be removed from the J-list in § 134.33, Customs Regulations (19 CFR 134.33), which lists those articles which are excepted from the country of origin marking requirements of 19 U.S.C. 1304.

17. Customs Form 6061 and Customs Form 3299, were consolidated into a revised Customs Form 3299 to be used for the declaration for free entry of articles under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202).

Section 148.77(b), Customs Regulations (19 CFR 148.77(b)), which relates to the entry of effects of persons on the termination of assignment to extended duty, or on an evacuation, is being amended to change the reference from Customs Form 6061 to Customs Form 3299.

18. Various Executive Orders relating to the designation of organizations as public international organizations entitled to certain privileges, exemptions, and immunities, necessitate the following changes to the list of such organizations in § 148.87(b), Customs Regulations (19 CFR 148.87(b)).

(a) The Coffee Study Group (E.O. 10943) and the Southeast Asia Treaty Organization (E.O. 10866) are being removed because they no longer exist by E.O. 12033 of January 10, 1978.

(b) The first reference to the International Telecommunications Satellite Organization (INTELSAT) (E.O. 11718) is being removed because that E.O. granted limited privileges only. E.O. 11966 of January 19, 1977, revoked E.O. 11718. The second reference to INTELSAT by virtue of E.O. 11966 remains as is on the list.

(c) By virtue of E.O. 12359, of April 22, 1982, the Multinational Force and Observers, and the International Food Policy Research Institute are added to the list. However, the International Food Policy Research Institute is not provided the privileges of Section

2(a), Section 2(b), Section 2(c), that portion of the last clause of Section 2(d) relating to official communications and Section 7(b) of the International Organizations Immunities Act (22 U.S.C. 288(a), (b), (c), the last clause of (d) and 288d(b)).

19. Section 152.105, Customs Regulations (19 CFR 152.105), referring to the use of deductive value for Customs purposes in determining the value of imported merchandise, incorrectly contains paragraph headings (h)(3) (a) and (b). These paragraphs headings are being changed to read (h)(3)(i) and (h)(3)(ii).

20. Section 152.108, Customs Regulations (19 CFR 152.108), referring to unacceptable bases of appraisalment for imported merchandise, incorrectly contains paragraphs numbered (1), (2), (3), (4), (5), (6) and (7). These paragraph headings are being changed to read (a), (b), (c), (d), (e), (f) and (g).

21. Section 213 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended several sections of the Tariff Act of 1930, as amended, relating to seizures and forfeitures. This causes changes in the administrative forfeiture limits and cost bond requirements contained in Part 162, Customs Regulations (19 CFR Part 162).

Previously, the value of property that could be seized and summarily forfeited to the government was \$10,000. Now it is \$100,000, except that there is no limit to the value of merchandise the importation of which is prohibited that can be summarily forfeited nor is there a limit to the value of vessels, vehicles, or aircraft used to import, export, transport or store any controlled substances, that can be summarily forfeited.

Previously, a bond for costs in the amount of \$250 had to be filed with Customs by anyone claiming an interest in property seized by the government. Now the amount is \$2500 or 10% of the value of the claimed property, whichever is lower, but not less than \$250.

These changes are being reflected by amending §§ 162.43, 162.45, 162.46, 162.47, and 162.48, Customs Regulations (19 CFR 162.43, 162.45, 162.46, 162.47, 162.48).

22. Section 171.12, Customs Regulations (19 CFR 171.12), is being amended to conform with existing practice in regard to petitions for remission of forfeitures of conveyances. The regulations currently refer to seizure of a conveyance used *in connection with* the importation of illegal drugs or large amounts of firearms. Seizure or conveyances now takes place *after* the importation, exportation, transportation or storage of illegal drugs or firearms.

23. Section 212 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended § 520 of the Tariff Act of 1930, as amended (19 U.S.C. 1520), to provide for the refund, prior to liquidation, of excess duties, fees, charges, or exactions, deposited or paid on an entry by reason of clerical error. Part 173, Customs Regulations (19 CFR Part 173), is being amended to include this new provision for correcting clerical errors.

24. Section 202 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended § 313 of the Tariff Act of 1930, as amended (19 U.S.C. 1313), by establishing a new type of drawback called "same condition substitution drawback." It also extends direct identification same condition drawback to include drawback on packaging material used to package or repack merchandise exported under this type of drawback.

Also, as a result of § 202, the tradeoff provision of drawbacks relating to petroleum has been extended to cover all merchandise under manufacturing drawback (19 U.S.C. 1313(a) and (b)).

Several sections of Part 191, Customs Regulations (19 CFR Part 191), are being revised to reflect the changes made by § 202.

INAPPLICABILITY OF PUBLIC NOTICE AND DELAYED EFFECTIVE DATE PROVISIONS

Inasmuch as these amendments merely conform the Customs Regulations to existing law or practice, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

EXECUTIVE ORDER 12291

Because this document will not result in a "major rule" as defined by § 1(b) of E.O. 12291, the regulatory analysis and review prescribed by the E.O. is not required.

INAPPLICABILITY OF REGULATORY FLEXIBILITY ACT

This document is not subject to the provisions of §§ 603 and 604 of Title 5, United States Code, as added by § 3 of Pub. L. 96-354, the "Regulatory Flexibility Act". That Act does not apply to any regulation, such as this, for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551, *et seq.*) or any other statute.

DRAFTING INFORMATION

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

LIST OF SUBJECTS

In General

Customs duties and inspection, Imports, Exports.

19 CFR Part 4

Cargo vessels, Fishing vessels, Maritime carriers, Passenger vessels Vessels.

19 CFR Part 10

Art, Wildlife, Packaging and containers.

19 CFR Part 19

Exports, Surety bonds, Warehouses.

19 CFR Part 24

Accounting.

19 CFR Part 103

Administrative practice and procedure, Freedom of information, Information.

19 CFR Part 113

Surety bonds.

19 CFR Part 134

Labeling, Packaging and containers.

19 CFR Part 141

Imports.

19 CFR Part 143

Imports.

19 CFR Part 145

Postal service.

19 CFR Part 148

Household goods, International organizations, Military Personnel.

19 CFR Part 152

Packaging and containers.

19 CFR Part 162

Administrative practice and procedures, Penalties, Seizures and forfeitures.

19 CFR Part 171

Administrative practice and procedure, Penalties, Seizures and forfeitures.

19 CFR Part 173

Administrative practice and procedure.

19 CFR Part 191

Drawback.

AMENDMENTS TO THE REGULATIONS

Parts 4, 10, 19, 24, 103, 113, 134, 141, 143, 145, 148, 152, 162, 171, 173 and 191, Customs Regulations (19 CFR Parts 4, 10, 19, 24, 103, 113, 141, 134, 143, 145, 148, 152, 162, 171, 173, 191), are amended as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The general authority citation for Part 4 continues to read as follows: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. 3, 2103.

1. Paragraph (3) of footnote 5 to § 4.3 is revised to read as follows:

§ 4.3 Vessels required to enter.

* * * * *

(3) Vessels carrying passengers on excursion from the United States Virgin Islands to the British Virgin Islands and returning, and licensed yachts or undocumented American pleasure vessels not engaged in trade: *Provided*, That such vessels do not in any way violate the customs or navigation laws of the United States and have not visited any hovering vessel: *Provided further*, That the master of any such vessel which has on board any article required by law to be entered shall be required to report such article to the appropriate customs officer within twenty-four hours after arrival.

3. Section 4.7a(c) is amended by inserting, between the second and third sentences, a new sentence to read as follows: The name of the shipper shall be set forth in the column calling for such information and on the same line where the bill of lading is listed for that shipper's merchandise. When more than one bill of lading is listed for merchandise from the same shipper, ditto marks or the work "ditto" may be used to indicate the same shipper.

4. Section 4.14 is amended by revising § 4.14(a)(2)(iii) to read as follows:

§ 4.14 Foreign equipment purchases by, and repairs to, American vessels.

(a) * * *

(2) * * *

(iii) *Vessels outside U.S. for two years or more.*

(A) *Requirements for declaration and entry of dutiable items.* If a vessel which is documented with a registry, coastwise trade, or Great Lakes trade endorsement is operated in international or foreign waters two years or more after its last departure from the U.S., the only dutiable items are fish nets and nettings whenever purchased and any other items purchased or repairs made during the first six months after the vessel's last departure from the U.S. Under these circumstances, only those items (with the exception of fish nets and nettings) purchased and repairs made outside the U.S. during the first six months after the vessel's last departure from the U.S. shall be declared and entered. Fish nets and netting purchased or repaired outside the U.S. shall be declared and entered whether or not purchased or repaired during the first six months after departure.

(B) *Exception.* The provisions of § 4.14(a)(2)(iii)(A) do not apply to a vessel designed and used primarily for transporting passengers and property if such vessel departed the U.S. for the sole purpose of obtaining equipment, parts, materials, or repairs.

5. Section 4.34 is amended by removing paragraph (h) and by revising paragraph (g) to read as follows:

§ 4.34 Prematurely discharged, overcarried, and undelivered cargo.

* * * * *

(g) *Cargo undelivered at foreign port and returned to the U.S.* Merchandise shipped from a domestic port, but undelivered at the foreign destination and returned, shall be manifested as "Undelivered-to be returned to original foreign destination," if such a return is intended. The district director may issue a permit to retain the merchandise on board, or he may, upon written application of the steamship company, issue a permit on a Delivery Ticket, Customs Form 6043, allowing the merchandise to be transferred to another vessel for return to the original foreign destination. No charge shall be made against the bond on Customs Form 301, containing the bond conditions relating to international carriers set forth in § 113.64 of this chapter. The items shall be remanifested outward and an explanatory reference of the attending circumstances and compliance with export requirements noted.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE ETC.

1. The authority citation for Part 10 continues to read as follows:

Authority: 19 U.S.C. 66, 1202, 1481, 1484, 1498, 1623, 1624.

- a. § 10.17 also issued under 19 U.S.C. 1401a, 1402;
 - b. § 10.22 also issued under 19 U.S.C. 1304;
 - c. §§ 10.41, 10.41a, 10.107 also issued under 19 U.S.C. 1322;
 - d. § 10.53 also issued under 16 U.S.C. 1521, *et seq.*
 - e. § 10.59 also issued under 19 U.S.C. 1309, 1317;
 - f. §§ 10.61–10.64a also issued under 19 U.S.C. 1309;
 - g. §§ 10.66a, 10.65 also issued under 19 U.S.C. 1309, 1317, 1555, 1556, 1557, 1646a;
 - h. §§ 10.70, 10.71 also issued under 19 U.S.C. 1486;
 - i. §§ 10.80–10.83 also issued under 19 U.S.C. 1313 (e) and (i);
 - j. §§ 10.152, 10.153 also issued under 19 U.S.C. 1321;
 - k. §§ 10.171–10.178 also issued under 19 U.S.C. 2461 *et seq.*
 - l. §§ 10.191–10.198 also issued under 19 U.S.C. 2701 *et seq.*
2. Section 10.41a(a)(2) is revised to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

(a)(1) * * *

(2) Repair components, accessories, and equipment for any container of foreign production which is an instrument of international traffic may be entered or withdrawn from warehouse for consumption without the deposit of duty if the person making the entry or withdrawal from warehouse files a declaration that the repair component was imported to be used in the repair of a container of foreign production which is an instrument of international traffic, or that the accessory or equipment is for a container of foreign production which is an instrument of international traffic. The district director must be satisfied that the importer of the

repair component, accessory, or equipment had the declared intention at the time of importation.

* * * * *

3. Section 10.43 and the section heading are revised to read as follows:

§ 10.43 Duty-free status.

(a) The district director may, at his discretion, require appropriate proof of duty-free status for articles for institutions claimed to be exempt from duty under items 850.10, 850.40, 850.70, 851.10, 851.20, 851.30, 851.40, 851.50, Tariff Schedules of the United States (19 U.S.C. 1202).

(b) Appropriate proof may be a copy of the charter or other evidence of the character of the institution for the use of which the articles are imported.

4. Part 10 is amended by removing § 10.44 and marking it "Reserved".

5. Section 10.52 is revised to read as follows:

§ 10.52 Painted, colored or stained glass windows for religious institution.

When painted, colored, or stained glass windows or parts thereof, are claimed free of duty under item 850.30, Tariff Schedules of the United States (19 U.S.C. 1202), the district director may, at his discretion, require appropriate proof that the importation was designed by, and produced by or under the direction of, a professional artist, and that it is for the use of an institution established solely for religious purposes.

6. Section 10.75 is revised to read as follows:

§ 10.75 Wild animals and birds; zoological collections.

When wild animals or birds are claimed to be free of duty under item 852.20, Tariff Schedules of the United States (19 U.S.C. 1202), the district director may, at his discretion, require appropriate proof that the animals or birds were specially imported pursuant to negotiations conducted prior to importation for the delivery of animals or birds of a named species meeting agreed specifications of reasonable particularity and that they are intended at the time of importation for public exhibition in a collection maintained for scientific or educational purposes and not for sale or for use in connection with any enterprise conducted for profit. That fact that an animal or bird may have been sent on approval shall not preclude free entry under item 852.20 when it is actually accepted as a part of the zoological collection and so exhibited.

7. Section 10.102(b)(3) is amended by removing the words, "Energy Research and Development Administration" both places where they appear, and inserting, in their place, "Department of Energy"

8. Section 10.152 is amended by removing "\$25", and inserting, in its place, "\$50", and by removing "\$40", and inserting, in its place, "\$100".

9. Sections 10.153(b), (d)(2), (d)(3) and (f) are amended by removing "\$25", and inserting, in its place, "\$50", and by removing "\$40", and inserting, in its place, "\$100".

10. Section 10.173 is amended by revising the heading of paragraph (a) to read, "*Shipments covered by a formal entry*". Paragraph (a) is further amended by deleting, "\$250", and inserting in its place, "\$1,000 (except for articles valued in excess of \$250 classified in Schedule 3; Parts 1, 4A, 7B, 12A, 12D, and 13B of Schedule 7; items 772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated)".

11. The sample form in § 10.183(d)(2) is amended by removing "(19 U.S.C. 10.183)" and inserting, in its place, "(19 CFR 10.183)".

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

1. The authority citation for Part 19 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1624:

§ 19.1 also issued under 19 U.S.C. 1311, 1312, 1555, 1556, 1557, 1560, 1561, 1562;

§ 19.7 also issued under 19 U.S.C. 1555, 1556;

§ 19.11 also issued under 19 U.S.C. 1556, 1562;

§ 19.15 also issued under 19 U.S.C. 1311;

§ 19.16 also issued under 19 U.S.C. 1311, 26 U.S.C. 5723, 5752;

§§ 19.17–19.25 also issued under 19 U.S.C. 1312;

§ 19.40 (a) also issued under 19 U.S.C. 1450, 1499, 1623;

§§ 19.41–19.43 also issued under 19 U.S.C. 1499;

§ 19.44 also issued under 19 U.S.C. 1448;

§ 19.45 also issued under 19 U.S.C. 1551, 1565;

§ 19.48 also issued under 19 U.S.C. 1499, 1623;

§ 19.49 also issued under 19 U.S.C. 1484.

2. All other statutory authority cited at the end of various sections in Part 19 is removed.

3. Section 19.14(d) is amended to read as follows:

§ 19.14 Materials for use in manufacturing warehouse.

* * * * *

(d) *Domestic spirits and wines.* For the transfer of domestic spirits from the bonded premises of a distilled spirits plant to a bonded manufacturing warehouse, or for the transfer of domestic wines from a bonded wine cellar to a bonded manufacturing warehouse, a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, shall be required.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The authority citation for Part 24 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1624, 31 U.S.C. 9701;

§ 24.1 also issued under 19 U.S.C. 197, 198, 1648;

§ 24.4 also issued under 19 U.S.C. 1623, 26 U.S.C. 5007, 5054, 5061, 7805;

§ 24.11 also issued under 19 U.S.C. 1485(d);

§ 24.12 also issued under 19 U.S.C. 1524, 46 U.S.C. 927;

§ 24.14 also issued under 19 U.S.C. 1;

§ 24.16 also issued under 19 U.S.C. 261, 267, 1450, 1451, 1452, 1623, 46 U.S.C. 2111, 2112;

§ 24.17 also issued under 19 U.S.C. 261, 267, 1450, 1451, 1452, 1456, 1524, 1557, 1562, 46 U.S.C. 2110, 2111, 2112;

§ 24.32 also issued under 5 U.S.C. 5582, 5583;

§ 24.36 also issued under 26 U.S.C. 6423.

2. The third sentence of § 24.16(c) is amended by removing the "s" at the end of the word "provisions".

3. Section 24.18(f) is amended by removing "§ 24.15" and inserting, in its place, "§ 24.16".

PART 103—AVAILABILITY OF INFORMATION

1. The authority citation for Part 103 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 19 U.S.C. 66, 1624, 31 U.S.C. 9701.

2. All other statutory authority cited at the end of various sections in Part 103 is removed.

3. Section 103.11(a) is revised to read as follows:

§ 103.11 Specific Customs Service records subject to disclosure.

(a) *Administrative staff manuals and instructions.* Except as exempted by § 103.12, all administrative staff manuals and instructions to staff that affect any member of the public, and indexes thereto, are available for public inspection and copying in the Customs Service public reference facilities (see § 103.1), including the following:

Forms Catalog. Customs and other agency forms currently available from the Customs Service.

Legal Precedent Retrieval System. The directory is a listing by selected keywords of all classification rulings issued since early 1974 that affect a substantial volume of imports or transactions or are of general interest or importance, and of all published classification rulings issued since August 31, 1963, including classification decisions, and classification rulings circulated within the Customs Service by the Customs Information Exchange and the Office of Regulations and Rulings. The directory also contains limited infor-

mation on decisions and rulings pertaining to entry, value, drawback, marking, country of origin, and vessel repairs. The directory is maintained on microfiche and is continually updated. Duplicate microfiche are available for 15¢ each, through subscription or in individual sets. The cost of a set will depend upon the number of microfiche it contains.

Fines, Penalties, and Forfeitures Handbook. Collects in one document information relating to the total management of the fines, penalties, and forfeitures program.

Inspector Rate Book. A ready reference guide for inspection personnel. Contains an abbreviated Tariff Schedules of the United States and other reference material.

Customs Issuance System (CIS) Index. The index provides a brief description of circulars, manuals, legal rulings, decisions, and other Customs documents.

Operational handbook of Other Agency Requirements Enforced by the U.S. Customs Service.

Customs Valuation under the Trade Agreements Act of 1979.

Fundamentals of Customs Tariff and Trade Operations Handbook. Material relating to the duties and responsibilities of import specialists: entry of merchandise, restrictions, prohibitions and other agency requirements, special trade programs, invoicing and related documentation, examination of merchandise, Customs valuation, tariff classification, liquidation, protests, and miscellaneous import specialist concerns.

4. Section 103.14(d)(1) is amended to read as follows: § 103.14 Information on vessel manifests and summary statistical reports.

* * * * *

(d) *Confidential treatment.* (1) *Inward manifest.* An importer or consignee may request confidential treatment of its name and address contained in inward manifests, to include identifying marks and numbers. In addition, an importer or consignee may request confidential treatment of the name and address of the shipper or shippers to such importer or consignee by using the following procedure:

(i) An importer or consignee, or authorized employee, attorney or official of the importer or consignee, must submit a certification (as described in subparagraph (ii) of this paragraph) claiming confidential treatment of its name and address. The name and address of an importer or consignee includes marks and numbers which reveal the name and address of the importer or consignee. An importer or consignee may file a certification requesting confidentiality for all its shippers.

(ii) There is no prescribed format for a certification. However, the certification shall include the importer's or consignee's Internal Revenue Service Employer Number, if available. There is no requirement to provide sufficient facts to support the conclusion that the disclosure of the names and addresses would likely cause sub-

stantial harm to the competitive position of the importer or consignee.

(iii) The certification must be submitted to the Disclosure Law Branch, Regulations Control and Disclosure Law Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2325, Washington, D.C. 20229.

(iv) Each initial certification will be valid for a period of two years from the date of receipt. Renewal certifications should be submitted to the Disclosure Law Branch at least 60 days prior to the expiration of the current certification. Information so certified may be copied, but not published, by the press during the effective period of the certification. An importer or consignee shall be given written notification by Customs of the receipt of its certification of confidentiality

5. Section 103.14(d)(2) is amended to read as follows:

§ 103.14 Information on vessel manifests and summary statistical reports.

* * * * *

(d) *Confidential treatment.* * * *

(2) *Outward manifest.* * * *

(iii) The certification must be submitted to the Disclosure Law Branch, Regulations Control and Disclosure Law Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2325, Washington, D.C. 20229.

(iv) Each certification will be valid for a period of two (2) years from the date of its approval.

* * * * *

PART 113—CUSTOMS BONDS

1. The authority citation for Part 113 is revised to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624. Subpart E also issued under 19 U.S.C. 1484.

2. The heading to § 113.64(a), is amended by removing "Changes" and inserting, in its place, "Charges."

PART 134—COUNTRY OF ORIGIN MARKING

1. The authority citation for Part 134 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Headnote 11), 1304, 1624.

2. All other statutory authority cited at the end of various sections in Part 134 is removed.

3. Section 134.33 is amended by removing "Pipes, iron or steel, and pipe fittings of cast or malleable iron (except cast iron soil pipe

and fittings) T.D. 71-89," from the list of articles excepted from country of origin marking requirements.

PART 141—ENTRY OF MERCHANDISE

1. The authority citation for Part 141 is revised to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

Subpart G also issued under 19 U.S.C. 1505

§ 141.1 also issued under 31 U.S.C. 3713

§ 141.4 also issued under 19 U.S.C. 1498

§ 141.19 also issued under 19 U.S.C. 1485, 1486

§ 141.20 also issued under 19 U.S.C. 1485, 1623

§ 141.66 also issued under 19 U.S.C. 1490, 1623

§ 141.69 also issued under 19 U.S.C. 1315

§ 141.89 also issued under 19 U.S.C. 1202 (Gen. Hdnote 11), 1481

§ 141.90 also issued under 19 U.S.C. 1487

§ 141.112 also issued under 19 U.S.C. 1564

§ 141.113 also issued under 19 U.S.C. 1499, 1623

2. All other statutory authority cited at the end of various sections in Part 141 is removed.

3. Section 141.82(d) is amended by removing "\$250", and inserting, in its place, "\$1,000 (except for articles valued in excess of \$250 classified in Schedule 3; Parts 1, 4A, 7B, 12A, 12D, and 13B of Schedule 7; items 772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated)".

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

1. The authority citation for Part 143 is revised to read as follows:

Authority: 19 U.S.C. 66, 1481, 1484, 1498, 1624.

2. All other statutory authority cited at the end of various sections in Part 143 is removed.

3. Section 143.21(a) is amended by removing, "\$250 in value", and inserting, in its place, "\$1,000 in value (except for articles valued in excess of \$250 classified in Schedule 3; Part 1, 4A, 7B, 12A, 12D and 13B of Schedule 7; items 772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated).

4. Section 143.21(b) is amended by removing, "\$250", and inserting, in its place "\$1,000".

5. Section 143.21(c) is amended by removing, "\$250" and inserting, in its place "\$1,000". Paragraph (c) is further amended by adding the sentence, "This paragraph does not apply to shipments of articles valued in excess of \$250 classified in items from Schedule 3; Parts 1, 4A, 7B, 12A, 12D, and 13B of Schedule 7; items

772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated."

6. Sections 143.21 (f) and (g) are amended by removing, "\$250", and inserting, in its place, "\$1,000".

7. Section 143.22 is amended by removing "\$250" and inserting, in its place, "\$1,000".

8. Section 143.23(d) is amended by removing, "\$250 in value" and inserting, in its place, "\$1,000 in value (except for articles valued in excess of \$250 classified in Schedule 3; Parts 1, 4A, 7B, 12A, 12D, and 13B of Schedule 7; items 772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated)"

PART 145—MAIL IMPORTATIONS

1. The authority citation for Part 145 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (Gen. Hdnote 11); 1624.

§ 145.4 also issued under 18 U.S.C. 545, 19 U.S.C. 1618;

§ 145.11 also issued under 19 U.S.C. 1481, 1485, 1498;

§ 145.12 also issued under 19 U.S.C. 1315, 1484, 1498;

§§ 145.22-145.23 also issued under 19 U.S.C. 1501, 1514

§ 145.31 also issued under 19 U.S.C. 1321;

§ 145.32 also issued under 19 U.S.C. 1321, 1498;

§§ 145.35-145.38, 145.41, also issued under 19 U.S.C. 1498;

§ 145.51 also issued under 19 U.S.C. 1305;

§ 145.54 also issued under 19 U.S.C. 1618.

2. All other statutory authority cited at the end of various sections in Part 145 is removed.

3. Section 145.12(a)(2), is amended by removing "\$250" and inserting, in its place, "\$1,000".

4. Section 145.12(a)(3) is amended by removing "\$250", both places where it appears, and inserting, in its place, "\$1,000".

5. Section 145.12(b) is amended by removing "\$250" and inserting, in its place, "\$1,000".

6. Section 145.12(c) is amended by removing "\$250" from the subsection heading and from the paragraph, and inserting, in both places, "\$1,000".

7. Section 145.32 is amended by removing, "\$250", and inserting, in its place, "\$50", and by removing "\$40", and inserting, in its place, "\$100".

8. Section 145.35 is amended by removing, "\$250", and inserting, in its place, "\$1,000".

9. Section 145.36 is amended by removing, "on Customs Form 3321" from the last sentence.

10. Section 145.41 is amended by removing "\$250", and inserting, in its place, "\$1,000".

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

1. The authority citation for Part 148 is revised to read as follows:

Authority: 19 U.S.C. 66, 1498, 1624. The provisions of this part, except for Subpart C, are also issued under 19 U.S.C. 1202 (Gen. Hdnote 11):

§ 148.21 also issued under 19 U.S.C. 1461, 1462;

§§ 148.43, 148.51, 148.63, 148.64, 148.74 also issued under 19 U.S.C. 1321;

§ 148.87 also issued under 22 U.S.C. 288.

2. All other statutory authority cited at the end of various sections in Part 148 is removed.

3. Section 148.77(b) is amended by removing "6061" and inserting, in its place, "3299".

4. The list in § 148.87(b) is amended by making the following changes:

(a) The references to the "Coffee Study Group, E.O. 10943, May 19, 1961" and the "Southeast Asia Treaty Organization, E.O. 10866, February 23, 1960" are removed.

(b) The first reference to the "International Telecommunications Satellite Organization (INTELSAT)—Limited privileges only, E.O. 11718, May 14, 1973" is removed.

(c) The list is further amended by inserting the following in appropriate alphabetical order:

§ 148.87 Officers and employees of, and representatives to public international organizations.

* * * * *

(b) * * *

Organization	Executive order	Date
International Food Policy Research Institute-Limited Privileges only.	12359	Apr. 22, 1982.
* * * * *	*	*
Multinational Force and Observers.....	12359	Apr. 22, 1982.

PART 152—CLASSIFICATION AND APPRAISEMENT OF VALUE

1. The authority citation for Part 152 is revised to read as follows:

Authority: 19 U.S.C. 66, 1401a, 1500, 1502, 1624.

Subpart B also issued under 19 U.S.C. 1315. Subpart C also issued under 19 U.S.C. 1503. Subpart D also issued under 19 U.S.C. 1202 (Gen. Hdnote 12).

§ 152.3 also issued under 19 U.S.C. 1499;

§§ 152.13, 152.24 also issued under 19 U.S.C. 1202 (Gen. Hdnote 7);

§§ 152.31-152.32 also issued under 19 U.S.C. 1401a.

2. All other statutory authority cited at the end of various sections in Part 152 is removed.

3. Part 152 is amended in the following manner:

In § 152.105, paragraph headings (h)(3)(a) and (b) are changed to (h)(3)(i) and (ii), respectively.

4. Part 152 is further amended by changing the paragraph headings in § 152.108 from (1), (2), (3), (4), (5), (6), and (7) to (a), (b), (c), (d), (e), (f) and (g), respectively.

PART 162—RECORDKEEPING, INSPECTION, SEARCH AND SEIZURE

1. The authority citation for Part 162 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1624.

Subpart B also issued under 19 U.S.C. 1595:

Subpart G also issued under 19 U.S.C. 1466, 1584, 1592, 1613, 1618;

§ 162.3 also issued under 19 U.S.C. 1581;

§ 162.4 also issued under 39 U.S.C. 604, 605;

§ 162.5 also issued under 19 U.S.C. 1581, 49 U.S.C. 1509;

§ 162.6 also issued under 19 U.S.C. 1461, 1467, 1496;

§ 162.7 also issued under 19 U.S.C. 482;

§ 162.21 also issued under 19 U.S.C. 482, 1581, 1582, 1602;

§ 162.22 also issued under 19 U.S.C. 546, 19 U.S.C. 1459, 1460, 1594, 1701, 1703-1708;

§ 162.32 also issued under 19 U.S.C. 1603, 1610;

§ 162.43 also issued under 19 U.S.C. 1606, 1608;

§ 162.44 also issued under 19 U.S.C. 1614;

§ 162.46 also issued under 19 U.S.C. 1609, 1611;

§ 162.47 also issued under 19 U.S.C. 1608;

§ 162.48 also issued under 19 U.S.C. 1612;

§ 162.49 also issued under 19 U.S.C. 5688;

§ 162.50 also issued under 19 U.S.C. 1611, 1705;

§ 162.61 also issued under 21 U.S.C. 952, 953, 957;

§ 162.62 also issued under 21 U.S.C. 952, 956;

§§ 162.63, 162.64 also issued under 21 U.S.C. 881, 966;

§ 162.65 also issued under 19 U.S.C. 1584, 21 U.S.C. 960, 961.

2. All other statutory authority cited at the end of various sections in Part 162 is removed.

3. Section 162.43 is amended by removing paragraph (c).

4. The heading to § 162.45 is amended by removing "\$10,000" and inserting, in its place, "\$100,000".

5. Section 162.45(a) is revised to read as follows:

**§ 162.45 Summary forfeiture where value not over \$100,000
Property other than Schedule 1 controlled substances.
Notice of seizure and sale.**

(a) *Contents.* The notice required by § 607, Tariff Act of 1930, as amended (19 U.S.C. 1607), of seizure and intent to forfeit and sell or otherwise dispose of according to law property not exceeding \$100,000 in value, or any seized merchandise the importation of which is prohibited, or any seized vessel, vehicle or aircraft that was used to import, export, transport, or store any controlled substance, shall:

(1) Describe the property seized and in the case of motor vehicles, specify the motor and serial numbers;

(2) State the time, cause, and place of seizure.

(3) State that any person desiring to claim property must appear at a designated place and file with the district director within 20 days from the date of first publication of the notice a claim to such property and a bond in the sum of \$2,500 or 10% of the value of the claimed property, whichever is lower, but not less than \$250, in default of which the property will be disposed of in accordance with the law; and

(4) State the name and place of residence of the person to whom any vessel or merchandise seized for forfeiture under the navigation laws belongs or is consigned, if that information is known to the district director.

5. Section 162.45(c) is amended by removing "\$10,000" and inserting, in its place, "\$100,000 (excluding merchandise, the importation of which is prohibited, and vessels, vehicles or aircraft used to import, export, transport or store any controlled substance, for which there is no value limit)".

6. Section 162.46 is amended by removing "\$10,000" from the section heading and inserting, in its place, "\$100,000".

7. Section 162.47(a) is amended in the following manner:

(a) The figure "\$10,000" is removed and "\$100,000" is inserted in its place.

(b) Immediately after the word "value", insert "(however there is no limit in value of merchandise, the importation of which is prohibited, or in the value of vessels, vehicles or aircraft used to import, export, transport, or store any controlled substance, that may be seized and forfeited)".

8. Section 162.47(b) is amended by removing "\$250" and inserting, in its place, "\$2500 or 10% of the value of the claimed property, whichever is lower, but not less than \$250".

9. Section 162.48 is amended by removing "\$10,000" from the section heading and the text, and inserting, in those places, "\$100,000".

PART 171—FINES, PENALTIES, AND FORFEITURES

1. The authority citation for Part 171 is revised to read as follows:

Authority: 19 U.S.C. 66, 1592, 1618, 1624.

Subpart C also issued under 22 U.S.C. 401, 46 U.S.C. 320, 2107. § 171.44 also issued under 40 U.S.C. 304j, 304k.

2. All other statutory authority cited at the end of various sections in Part 171 is removed.

3. Section 171.12(c) is amended to read as follows:

§ 171.12 Filing of Petition.

* * * * *

(c) *Petitions for remission of forfeitures of certain conveyances.* Petitions for remission of forfeiture of a conveyance seized in connection with the illegal importation, exportation, transportation, or storage of any amount of heroin, 5 pounds or more of cocaine, 10 pounds or more of hashish, 250 pounds or more of other controlled substances, or with the illegal importation, exportation, or transportation of firearms in a quantity clearly in excess of personal use needs, shall be filed within 30 days from the date of mailing of the notice of fine, penalty or forfeiture incurred.

* * * * *

PART 173—ADMINISTRATIVE REVIEW IN GENERAL

1. The authority citation for Part 173 is revised to read as follows:

Authority: 19 U.S.C. 66, 1501, 1520, 1521, 1624.

2. All other statutory authority cited at the end of the various sections of Part 173 is removed.

3. Part 173 is amended by adding a new section, designated § 173.4a, to read as follows:

§ 173.4a Correction of clerical error prior to liquidation.

Pursuant to § 520(a)(4), Tariff Act of 1930, as amended (19 U.S.C. 1520(a)(4)), the district director may, prior to liquidation of an entry, take appropriate action to correct a clerical error that resulted in the deposit or payment of excess duties, fees, charges, or exactions.

PART 191—DRAWBACK

1. The authority citation for Part 191 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1313, 1624:

§ 191.7 also issued under 19 U.S.C. 1514;

§ 191.8 also issued under 19 U.S.C. 1557;

§ 191.9 also issued under 18 U.S.C. 550;

§ 191.94 also issued under 19 U.S.C. 1309;

§§ 191.131(a), 191.133, 191.137, 191.139 also issued under 19 U.S.C. 1557;

§§ 191.162-191.166 also issued under 19 U.S.C. 81c.

2. All other statutory authority cited at the end of various sections of Part 191 is removed.

3. Section 191.2(b) is amended by removing the period from the end of the section, and inserting, in its place, "or (j)(2)."

4. Section 191.4(a)(9) is amended by revising the heading to read, *Direct identification same condition drawback*, and by adding a "(1)" after 313(j) and after 1313(j) in this section.

5. Sections 191.4 (a)(10), (a)(11), and (a)(12) are renumbered §§ 191.4 (a)(12), (a)(13), and (a)(14), respectively.

6. Part 191 is further amended by adding new §§ 191.4 (a)(10) and (a)(11) to read as follows:

§ 191.4 Types of drawback.

* * * * *

(10) *Substitution same condition drawback.* Drawback of duties is provided for in § 313(j)(3), Tariff Act of 1930, as amended (19 U.S.C. 1313(j)(3)), on merchandise fungible with imported merchandise when exported or destroyed under Customs supervision, provided all the conditions described under § 191.141(h) are complied with.

(11) *Packaging materials.* Drawback of duties is provided for in § 313(j)(4), Tariff Act of 1930, as amended (19 U.S.C. 1313(j)(4)), on packaging material used to package or repackage merchandise exported with direct identification same condition drawback. (19 U.S.C. 1313(j) contains two paragraphs numbered (4). See first paragraph (4))

7. Section 191.12 is amended by removing "19 U.S.C. 1313(l)", and inserting, in its place, "19 U.S.C. 1313(m)".

8. Part 191 is further amended by adding a new § 191.27 to read as follows:

§ 191.27 Tradeoff.

(a) *Exchanged Merchandise.* To comply with §§ 191.22(a)(ii) and 191.32(a)(3), the use of domestic merchandise taken in exchange for imported merchandise of the same kind and quality shall be treated as use of the imported merchandise if no certificate of delivery (Customs Form 7543) is issued covering the imported merchandise. This provision shall be known as tradeoff and is authorized by § 313(k), Tariff Act of 1930, as amended (19 U.S.C. 1313(k)).

(b) *Requirements.* Tradeoff must occur between two separate legal entities, but it is not necessary that the entity exchanging the imported merchandise be the importer thereof. In addition, tradeoff must be a straight tradeoff of same kind and quality merchandise, with no additional payments of any type, including additional payment in kind.

(c) *Application.* Each would-be user of tradeoff, except those operating under a general drawback contract covering substitution, must apply to the Drawback and Bonds Branch, Office of Regulations and Rulings, Customs Headquarters, for a determination of whether the imported and domestic merchandise are same kind and quality. For those users manufacturing under substitution drawback, this request should be contained in the drawback proposal. For those users manufacturing under direct identification drawback, the request should be made by a separate letter. General drawback contracts covering substitution will be revised to provide for tradeoff.

9. Section 191.32 is amended by removing paragraph (c). Section 191.32 is further amended by redesignating paragraphs (d) as (c), and (e) as (d), respectively.

10. Section 191.141 is amended by adding a new subparagraph (h) to read as follows:

§ 191.141 Same condition drawback.

(h) Substitution same condition drawback.

If legal person X possesses imported merchandise (the designated merchandise) during some time interval in period A (defined below) and also possesses other merchandise fungible with it (the substituted merchandise) during the same or different time interval in period A, then 99 percent of the duty paid on the designated merchandise will be refunded as drawback, provided that:

(1) The designated merchandise was in the same condition as imported either at the time of substitution, the time X used it in manufacturing, or at the time X transferred it to another person, whichever occurs first;

(2) The substituted merchandise is in the same condition when exported or destroyed under Customs supervision as was the designated merchandise when imported;

(3) X does not issue a certificate of delivery covering the designated merchandise nor a certificate of manufacture and delivery covering articles manufactured or produced therefrom; and

(4) X maintains records to establish requirements, (1), (2), and (3) of this section and also complies with all relevant requirements of §§ 191.141 (a) through (g) of this chapter.

Period A (referred to above) begins when X receives the merchandise and ends three years after the importation of said merchandise.

WILLIAM VON RAAB,
Commissioner of Customs.

Approved: June 13, 1985.

JOHN M. WALKER, Jr.,

Assistant Secretary of the Treasury.

[Published in the Federal Register, July 23, 1985 (50 FR 29949)]

(T.D. 85-124)

**U.S. Valuation of Imported Carrier Media Bearing Data or
Instructions for Use in Data Processing Equipment**

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of decision on valuation.

SUMMARY: This document advises that Customs has been, and will continue to value imported carrier media bearing data or instructions for use in data processing equipment exclusive of a value element for the data, instructions, or information component contained on such software. A recent decision by the Committee on Customs Valuation of the General Agreement on Tariffs and Trade (GATT) sanctioned the practice of valuing software either inclusive or exclusive of a value element for data, instructions, or information components. Customs has routinely been valuing software only on the value of the carrier medium, and will continue to use this practice.

FOR FURTHER INFORMATION CONTACT: Bruce N. Shulman, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2938).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On September 24, 1984, the Committee on Customs Valuation of the General Agreement on Tariffs and Trade (GATT) adopted a decision regarding the customs valuation of carrier media bearing data or instructions for use in data processing equipment (reprinted as Annex A). The decision indicates that the merchandise which is the subject of the decision may be valued either inclusive or exclusive of a value element for the data or instructions. Prior to the adoption of the above decision, Customs had routinely valued the merchandise referred to in the GATT decision only on the value of the carrier medium plus other incidental costs (*e.g.*, recording charges), and exclusive of a valuation element for the data or instructions or for an information component. Because the GATT decision affirms the validity of the U.S. approach to the valuation of carrier media bearing data or instructions for use in data processing equipment, on February 28, 1985, Customs reaffirmed its prior position as set forth below:

On September 24, 1984, the GATT Valuation Committee adopted the attached decision. Customs has previously taken the position that the valuation of software (*i.e.*, data or instructions) recorded on carrier media be based only on a value for the carrier media itself and is not to include a value for an information component. Because the TSUS item under which such importations are most frequently classified (item 724.40, TSUS) carries a specific rate of duty, the valuation of software has been of little concern to Customs field personnel. However, in a small number of cases the valuation of software may become important, either because the TSUS item number under which it is classifiable carries an *ad valorem* rate of duty, or because it is not clear whether the merchandise involved is a form of software. Accordingly, we wish to reemphasize our previous position that software be valued only on the basis of the value of the carrier medium. In this regard, for valuation purposes carrier media bearing data or instructions (*i.e.*, software) does not include data or instructions recorded or encoded by means of integrated circuits, semiconductors and similar devices, or articles incorporating such circuits or devices. Likewise, the expression "data or instructions" is not to be interpreted as including sound, cinematic, or video recordings. In view of the above GATT decision, appropriate steps should be taken to ensure that Customs personnel continue their current practice of valuing computer software only on the basis of the value of the carrier media.

Accordingly, Customs will continue to value the merchandise which is the subject of the GATT decision exclusive of an element for the value of the data or instructions.

ANNEX A—GENERAL AGREEMENT ON TARIFFS AND TRADE, COMMITTEE ON CUSTOMS VALUATION, DECISION ON THE VALUATION OF CARRIER MEDIA BEARING SOFTWARE FOR DATA PROCESSING EQUIPMENT ADOPTED BY THE COMMITTEE ON SEPTEMBER 24, 1984

The Committee on Customs Valuation DECIDES as Follows:

1. It is reaffirmed that transaction value is the primary basis of valuation under the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (the Agreement) and that its application with regard to data or instructions (software) recorded on carrier media for data processing equipment is fully consistent with the Agreement.
2. Given the unique situation with regard to data or instructions (software) recorded on carrier media for data processing equipment, and that some Parties have sought a different approach, it would also be consistent with the Agreement for those Parties which wish to do so to adopt the following practice:

In determining the customs value of imported carrier media bearing data or instructions, only the cost or value of the carrier medium itself shall be taken into account. The customs value shall not, therefore, include the cost or value of the data

or instructions, provided that this is distinguished from the cost or the value of the carrier medium.

For the purpose of this Decision, the expression "carrier medium" shall not be taken to include integrated circuits, semiconductors and similar devices or articles incorporating such circuits or devices; the expression "data or instructions" shall not be taken to include sound, cinematic or video recordings.

3. Those Parties adopting the practice referred to in paragraph 2 of this Decision shall notify the Committee of the date of its application.

4. Those Parties adopting the practice in paragraph 2 of this Decision will do so on a most-favoured-nation (m.f.n.) basis, without prejudice to the continued use by any Party of the transaction value practice.

ROBERT P. SCHAFFER,
Acting Commissioner of Customs.

Approved July 8, 1985.

JOHN M. WALKER, Jr.,
Assistant Secretary of the Treasury.

[Published in the Federal Register, July 26, 1985 (50 FR 30558)]

(T.D. 85-125)

Approval of a Public Gauger Performing Gauging Under the
Standards and Procedures Required by Customs

Notice is given pursuant to the provisions of Section 151.43 of the Customs Regulations (19 CFR 151.43) that the application of OIL-TEST, INC., 220 West Westfield Avenue, Roselle Park, New Jersey 07204 to gauge imported petroleum and petroleum products in all Customs Districts in accordance with the provisions of Section 151.43, Customs Regulations is approved.

Dated: July 22, 1985.

ROGER J. CRAIN,
*Chief, Technical Section,
Technical Services Divisions.*

U.S. Customs Service

Proposed Rulemaking

19 CFR Part 6

Air Commerce Regulations

AGENCY: U.S Customs Service, Department of the Treasury.

ACTION: Proposed revision.

SUMMARY: As part of the general revision of the Customs Regulations, Customs is proposing to revise its rules relating to the entry and clearance of aircraft and the transportation of persons and cargo by aircraft. This proposed revision sets forth the general Customs requirements applicable to all air commerce. It follows a new format and includes changes or additions in language to clarify the current provisions and to make some minor substantive changes.

DATE: Comments must be received on or before October 24, 1985.

ADDRESS: Comments (preferably in triplicate) may be addressed to, and inspected at, the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2426, Washington, D.C. 20229. Comments relating to the information collection aspects of the proposal should be addressed to the Regulations Control Branch, as noted above, and also the Office of Information and Regulatory Affairs, Attention: Desk officer for U.S. Customs Service, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: John A. Mathis, Carrier Rulings Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5706). Operational Aspects: Joseph E. O'Gorman, Office of Inspection and Control, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8151).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Customs has undertaken to review and revise selected parts of the Customs Regulations contained in Chapter 1, Title 19, Code of Federal Regulations (19 CFR Chapter I), with the objective of re-

ducing and/or eliminating, to the fullest extent possible, obsolete and unnecessary regulatory requirements. This action was mandated by the Regulatory Flexibility Act, and by the Treasury Department Regulatory Flexibility Review Plan which appeared in the Federal Register on April 14, 1982 (47 FR 16033). As stated in a notice published by Customs in the Federal Register on June 10, 1983 (48 FR 26831), Part 6, Customs Regulations (19 CFR Part 6), is one of those which has been scheduled for revision under the Treasury plan. Accordingly, the revised Part 6, redesignated as Part 122, proposes to set forth all air commerce regulations administered by Customs in a clearly stated new format, which incorporates both current provisions and substantive changes. The major changes from the present regulations are deletion of the requirement that American-flag aircraft report foreign repairs and pay duty (a provision of the Trade Agreements Act of 1979), and the inclusion of a subpart dealing with requirements relating to aircraft liquor kits. The proposal also contains amendments to the regulations dealing with overflight exemptions and reporting requirements which appeared in a notice of proposed rulemaking published in the Federal Register on April 1, 1985 (50 FR 12819).

Additionally, amendments necessitated by the recent revision of the Customs bond structure (T.D. 84-213), published in the Federal Register on October 19, 1984 (49 FR 41152), have been incorporated into this proposal.

Revised Part 122 would be divided into 16 subparts. Following is a discussion of the proposed major changes in each of the subparts.

SUBPART A—SCOPE AND GENERAL DEFINITIONS AND PROVISIONS

1. Proposed § 122.1 is new and would set forth in general terms the geographic applicability of the revised part.

2. Proposed § 122.2(a) would substitute the statutory definition of "aircraft" from 49 U.S.C. 1301(5), for the present narrower definition of "civil aircraft."

3. Proposed § 122.2(b) is unchanged from present § 6.1(e).

4. Proposed § 122.2(c) would revise § 6.1(g) by substituting the word "agent" for the phrase "authorized person (authorized agent of an owner or operator)."

5. Proposed § 122.2(d) is new and would clarify the difference between commercial and non-commercial (private and public) flights.

6. Proposed § 122.2(e) would clarify § 6.1(h).

7. Proposed § 122.2(f) is new and defines, for the first time, a "landing rights airport."

8. Proposed § 122.2(g) is a rephrasing of present § 24.18.

9. Proposed § 122.2(h) is new and defines "private aircraft."

10. Proposed § 122.2(i) is new and defines "public aircraft."

11. Proposed § 122.2(j) is new and defines "residue cargo." The definition is loosely derived from present § 6.9(a).

12. Proposed § 122.2(k) is a rephrasing of present § 6.1(f).

13. Proposed § 122.1(l) would combine present § 6.1(b) and (c) and include Puerto Rico in the definition of "United States."
14. Proposed § 122.3 is unchanged from present § 6.10.
15. Proposed § 122.4 is a rephrasing of present § 6.6(b).
16. Proposed § 122.5 is a rephrasing of present § 6.6(a).
17. Proposed § 122.6 would significantly revise the specific requirements for reproduction of Customs forms found in present § 6.6(a).

SUBPART B—INTERNATIONAL AIRPORTS

1. Proposed § 122.11(a) would rephrase present § 6.12(a), (b), and (d).
2. Proposed § 122.11(b) is a rephrasing of present § 6.12(c).
3. Proposed § 122.11(c) is a rephrasing of present § 6.12(e).
4. Proposed § 122.12(a) is a restatement of present § 6.12(f).
5. Proposed § 122.12(b) is a restatement of present § 6.12(g).
6. Proposed § 122.12(c) is a restatement of present § 6.12(h).
7. Proposed § 122.12(d) is a restatement of present § 6.12(i) with deletion of the reference to "Area."
8. Proposed § 122.13 is unchanged from present § 6.13.

SUBPART C—PRIVATE AIRCRAFT

1. Proposed § 122.21 is new and would make the subpart applicable to all private aircraft.
2. Proposed § 122.22 is would make the landing requirements in proposed § 122.31 applicable to private aircraft.
3. Proposed § 122.23(a) is new and is based upon definitions found in the Department of Transportation regulations relating to exemptions for air taxi operations (14 CFR Part 298).
4. Proposed § 122.23(b), (c), (d), and (e) is a restatement of present § 6.14(a).
5. Proposed § 122.23(f) is new and would state that the final responsibility for giving adequate advance notice of arrival is that of the aircraft commander.
6. Proposed § 122.24(a) and (b) is a restatement of present § 6.14(b) and (g).
7. Proposed § 122.25(a), (b), (c) and (d) is a restatement of present § 6.14(f).
8. Proposed § 122.26 is new and would exempt private aircraft from entry and clearance requirements.
9. Proposed § 122.27 partially is new and partially a restatement of present § 148.5. It would set forth the documentation necessary for declaring baggage and cargo upon arrival of a private aircraft, as well as documentation and requirements for departing with certain cargo not for hire.
10. Proposed § 122.28 is based upon present § 148.32 and relates to a U.S. resident returning a private aircraft to the U.S. which has been abroad for non-commercial purposes.

11. Proposed § 122.29 is new and would set forth the changes and procedures relating to overtime services rendered by Customs in connection with an arriving private aircraft. The proposed section is based in part upon present § 24.16.

12. Proposed § 122.30 is based upon present §§ 6.10 and 6.11, and would list other regulatory requirements applying to private aircraft.

SUBPART D—LANDING REQUIREMENTS

1. Proposed § 122.31(a) contains a complete rewording and restructuring of present § 6.2(b)(1), and would set forth reporting requirements for all non-excepted aircraft arriving from outside the U.S. Exceptions would appear in proposed § 122.31(b).

2. Proposed § 122.31(b) is based upon present § 6.2(b)(3).

3. Proposed § 122.31(b)(1) is based upon present § 6.2(b)(1), and would set forth the procedures for giving notice of arrival, and would permit reporting by radio or other means.

4. Proposed § 122.31(c)(2) is based upon present § 6.2(b)(2).

5. Proposed § 122.31(d) is based upon present § 6.2(b)(4).

6. Proposed § 122.31(e) is based upon present § 6.2(b)(5).

7. Proposed § 122.31(f) is based upon present § 6.2(b)(1).

8. Proposed § 122.31(g) is based upon present § 6.2(b)(1), and names the aircraft commander as the person responsible for providing adequate advance notice of arrival.

9. Proposed § 122.32 is based upon the first sentence of present § 6.2(a).

10. Proposed § 122.33 is based upon the second sentence of present § 6.2(a). The proposed revision adds reference to two other sections relating to alternative landing sites.

11. Proposed § 122.34 is based upon the last three sentences of present § 6.2(a).

12. Proposed § 122.35 is based upon present § 6.2(h).

13. Proposed § 122.36 is based upon present § 6.2(b)(6).

14. Proposed § 122.37 is based upon present § 6.2(h).

15. Proposed § 122.38(a) is based upon first sentence of present § 6.2(e) and (f), and includes the purpose for a permit or special license.

16. Proposed § 122.38(b) is based upon current § 6.2(e) and (f), and includes the instructions for applying for a permit or special license.

17. Proposed § 122.38(c) is based upon present § 6.2(g).

18. Proposed § 122.38(d) is based upon present § 6.2(e) and (f), and provides exceptions for the need to obtain a permit or special license for each arrival or departure.

19. Proposed § 122.38(e) is based upon the second sentence of present § 6.2(e) and the first sentence of present § 6.2(f).

20. Proposed § 122.38(f) is based upon present § 6.2(e) and (f).

21. Proposed § 122.38(g) is new and is based upon Customs Circular INS-2-EV, dated 12/14/61, and provides the procedure for requesting automatic renewal of permits and special licenses.

SUBPART E—AIRCRAFT ENTRY AND ENTRY DOCUMENTS

1. Proposed § 122.41 is based upon present §§ 6.3(a), 6.4(a) and (b), and 6.9(c).

2. Proposed § 122.42(a) and (b) is based upon present §§ 6.3(b) and 6.4(c).

NOTE.—Much of the remainder of Subpart E is based upon present § 6.7. It covers all of the various forms required for entry. The proposed revision is structured so that each required form is treated in a separate section.

3. Proposed § 122.43(a) and (c) is based upon present § 6.7(a) and (b).

4. Proposed § 122.43(b) is based upon Customs Circular AIR-4-ICS, dated 1/24/68, and would permit entry upon presentation of an air cargo manifest in lieu of a general declaration.

5. Proposed § 122.44 is new and is based upon Customs Circular BAG-3-CO (AIR-4-AIR), 8/9/65. It states that aircraft crewmembers arriving from a foreign area must file a crew baggage declaration as provided in Subpart G, Part 148, Customs Regulations (19 CFR Part 148).

6. Proposed § 122.45 is based upon present § 6.7(b)(1) and would substitute "crew list" for "crew manifest."

7. Proposed § 122.45(d) is based upon Customs Circular BAG-3-CO, dated 8/9/65, and sets forth requirements for crewmembers returning as passengers.

8. Proposed § 122.46(a) is based upon the last sentence of present § 6.7(b)(2). The qualifying phrase "for any aircraft required to enter by § 122.41" is added.

9. Proposed § 122.46(b) is based upon the last sentence of present § 6.7(b)(2), as well as Customs Circular AIR-4-ICS, dated 1/24/68. The proposed section includes cross-reference to Subpart G, Part 148, Customs Regulations (19 CFR Part 148).

10. Proposed § 122.46(c) is based upon the second and third sentences of present § 6.7(b)(2). The reference to "attached list" is replaced by "crew purchase list."

11. Proposed § 122.47(a) is based upon present § 6.7(f).

12. Proposed § 122.47(b) is based upon present § 6.7(f).

13. Proposed § 122.47(c)(1) is based upon present § 6.7(b)(3)(v).

14. Proposed 122.47(c)(2) is based upon present § 6.7(b)(3) (v) and (vi), and includes major changes. The proposal specifies that "other domestic supplies" may be omitted from the stores list when an appropriate statement appears on the manifest or stores list. Further, the present statement "Aircraft of scheduled airline" is deleted, thus being made applicable to all aircraft required to enter.

15. Proposed § 122.47(d) is based upon present § 6.7(f).

NOTE.—Proposed § 122.48 is taken from present § 6.7(b)(3). Subparagraphs (v) and (vi) are included in proposed § 122.47(c).

16. Proposed § 122.48(a) is based upon present § 6.7(b)(3), and the phrase “for any aircraft required to enter under § 122.41” is added for clarification.

17. Proposed § 122.48(b) is based upon present § 6.7 (b)(3). There is no substantive change except as concerns the requirement that company mail be listed on the cargo manifest.

18. Proposed § 122.48(c)(1) is based upon present § 6.7(b)(3)(i).

19. Proposed § 122.48(c)(2) is based upon present § 6.7(b)(3)(ii).

20. Proposed § 122.48(c)(3) is based upon present § 6.7(b)(3)(iii), with the words “duty free” inserted for clarity.

21. Proposed § 122.48(d) is based upon present § 6.7(b)(3)(vii), as amended by T.D. 84-128, published in the Federal Register on June 4, 1984 (49 FR 23038).

22. Proposed § 122.48(e) is new and is based upon Customs Circular AIR-7-IEI, dated 1/31/72. This section deals with accompanied baggage in transit.

23. Proposed § 122.49(a) is based upon present § 6.7(h)(1) and (2).

24. Proposed § 122.49(b) is based upon present § 6.7(h)(1) and (3), as well as § 4.12(a). The present sections were combined and put in outline form, making it unnecessary to continually refer back to Part 4, Customs Regulations (19 CFR Part 4), to check the applicability of the vessel regulations to aircraft.

25. Proposed paragraphs (c), (d), (e), and (f) of § 122.49 are based upon present §§ 6.7(h) and 4.12. The comments relating to proposed § 122.49(b) apply to these paragraphs as well.

NOTE.—All reference to the applicability of the vessel repair statute (19 U.S.C. 1466) to repairs made to aircraft, currently reflected in § 6.7 (d) and (e), are deleted in proposed Part 122 due to enactment of the Trade Agreements Act of 1979 (Title 6, Pub. L. 96-39) which relieved aircraft from the duty provisions of 19 U.S.C. 1466.

SUBPART F—PERMIT TO PROCEED

1. Proposed § 122.51 is based upon present § 6.2(d)(3). The word “civil” is deleted and the phrase “passengers carried for hire or merchandise” is replaced by the word “commercial.”

2. Proposed § 122.52(a) is based upon present § 6.2(d)(3). The word “civil” is deleted, and the term “commercial aircraft” replaces the term “international traffic.”

3. Proposed § 122.52(b) is based upon present § 6.2(d)(3).

4. Proposed § 122.52(c) is based upon the last two sentences of present § 6.2(d)(3). The term “international traffic” has been changed to “commercial aircraft.”

5. Proposed § 122.52(d) is based upon present § 6.2(d)(3)(ii), footnote 1, and upon T.D. 55603(1), dated 3/4/60.

6. Proposed § 122.53 is new and is based upon the Federal Aviation Administration regulations (14 CFR 121.153).

7. Proposed § 122.54 (a) and (b) is based upon present § 6.2(d)(1). The term "or agent" is added to paragraph (b), and necessary information is listed for inclusion of Customs Form 7507 (Permit to Proceed).

8. Proposed § 122.54(c) is based upon present § 6.2(d)(1).

9. Proposed § 122.54 (d), (e), and (f) is based upon present § 6.2(d)(1).

10. Proposed § 122.54(g) is based upon present § 6.2(d)(2).

SUBPART G—CLEARANCE OF AIRCRAFT AND PERMISSION TO DEPART

1. Proposed § 122.61(a) is based upon present § 6.3(c), and includes a general statement covering all aircraft except public and private.

2. Proposed § 122.62 (a), (b), and (c) is based upon the third, fourth, and fifth sentences of present § 6.3(c), and names those aircraft not otherwise required to clear.

3. Proposed § 122.63(a) is based upon present § 6.5(c), and the term "authorized person" is changed to "agent" as defined in proposed § 122.2(c).

4. Proposed § 122.63(b) is based upon present § 6.5(c).

5. Proposed § 122.64 is based upon present § 6.3(d), and is basically a restatement of proposed § 122.63 (a) and (b), but deals with aircraft not using the procedure outlined therein.

6. Proposed § 122.65 is new and would provide a specific time limit within which cleared aircraft must depart.

SUBPART H—DOCUMENTS REQUIRED IN CLEARANCE AND PERMISSION TO DEPART

1. Proposed § 122.71 is based upon present § 6.8(a) and rephrases the telephonic clearance procedures, added to the regulations by T.D. 82-92 published in the Federal Register on May 14, 1982 (47 FR 20750).

2. Proposed § 122.72 is based upon present § 6.8(a).

3. Proposed § 122.73 is based upon present § 6.8(b) and T.D. 82-92, and deals with the form and preparation of air cargo manifests.

4. Proposed § 122.74(a) is based upon present § 6.8(a) and the regulations of the Bureau of The Census (15 CFR 30.24). The term "Customs officer in charge" is changed to "district director."

5. Proposed § 122.74(b) is based upon present § 6.8(a). The term "Customs officer in charge" is changed to "district director."

6. Proposed § 122.74(c) is based upon present § 6.8(a) and 15 CFR 30.24(a).

7. Proposed § 122.74(c)(1) is based upon present § 6.8(a) and 15 CFR 30.24(a), and deals with shipments to foreign countries.

8. Proposed § 122.74(c)(2) is based upon present § 6.8(e) and 15 CFR 30.24(a)(1), and deals with shipments to and from Puerto Rico.

9. Proposed § 122.74(c)(3) is based upon present § 6.8(a) and 15 CFR 30.24(a)(1), and deals with shipments to U.S. possessions.

10. Proposed § 122.74(d) is based upon present § 6.8(e). The phrase "or all required cargo documents will be filed within the 7-day bond period" is added.

11. Proposed § 122.75(a) (1) and (2) is based upon present § 6.8(e) and 15 CFR 30.21(b), and deals with the contents of a complete air cargo manifest.

12. Proposed § 122.75(b) is based upon the third and fourth sentences of present § 6.8(e).

13. Proposed § 122.76 is based upon present § 6.8(a) and 15 CFR 30.1, and sets forth the requirements for Shipper's Export Declarations.

14. Proposed § 122.77 is based upon present § 6.8(d).

15. Proposed § 122.78 is based upon present § 6.8(c). The phrase "cargo manifest" replaces "outward manifest."

16. Proposed § 122.79(a) is based upon present §§ 6.5(b) and 6.3(c), and deals with shipments to U.S. possessions, other than Puerto Rico.

17. Proposed § 122.79(b) is based upon present §§ 6.5(b) and 6.3(c), and deals with manifest requirements on direct flights to Puerto Rico.

18. Proposed § 122.80 is based upon present § 6.8(e), and deals with verification by Customs of statements made on shipping records.

SUBPART I—RESIDUE CARGO PROCEDURES

1. Proposed § 122.81 is based upon present § 6.9(a).

2. Proposed § 122.82 is based upon the present §§ 6.9(a), 4.85(a), 113.13a(a) and (b), and 113.61, and details the bond requirement for aircraft seeking a permit to proceed while carrying residue cargo.

3. Proposed § 122.83(a) is based upon present § 6.9(b), footnote 6. The term "area" is deleted, and the phrase "an authorized person" is replaced by the word "agent."

4. Proposed § 122.83(b) is based upon present § 6.9(b), and includes a provision for crew purchases and stores lists, as well as alternate procedures for unlisted items.

5. Proposed § 122.83(c) is based upon present § 6.9(b). The clarifying phrase "An abstract general declaration and manifest need not be filed at the last domestic port of discharge" is added.

6. Proposed § 122.83(d) is based upon present § 6.9(b), and relates to the contents of a permit to proceed. The word "agent" replaces the phrase "authorized person", and the phrase "Customs officer in charge" replaces "appropriate Customs officer."

7. Proposed § 122.83(e) is based upon present § 6.9, and includes a reproduction of Customs Form 7512-C, Permit to Proceed.

8. Proposed § 122.83(f) is based upon present § 6.9(b). The phrase "The documents presented by the aircraft commander or authorized person when applying for clearance shall be delivered to the aircraft commander" is replaced by " * * * must be delivered to air-

craft commander or agent." The word "agent" replaces the phrase "authorized person."

9. Proposed § 122.84(a) and (b) is based upon present § 6.9(c).

10. Proposed § 122.84(c) is based upon present § 6.9(c). The proposal provides that declarations are to be detached by Customs.

11. Proposed § 122.84(d) is based upon present § 6.9(c), and deals with departure from an intermediate airport.

12. Proposed § 122.85 is based upon present § 6.9(d). It deals with arrival at the final airport.

13. Proposed § 122.86 is new and is based upon Customs Circular AIR-7-EV, dated 11/23/59. It deals with the substitution of aircraft under the residue cargo procedures.

14. Proposed § 122.87 is based upon present § 6.9(e).

SUBPART J—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. Proposed § 122.91 is based upon present § 6.15(a).

2. Proposed § 122.92(a) and (b) is based upon present § 6.15(b)(1) and (2).

3. Proposed § 122.92(c) is based upon present § 6.15(b)(3).

4. Proposed § 122.92(d) is based upon present § 6.15(b)(4).

5. Proposed § 122.92(e) is based upon present § 6.15(b)(5), and the phrase "aircraft of the same line" is changed to "aircraft of the same airline."

6. Proposed § 122.92(f) is based upon the first sentence of present § 6.15(b)(6).

7. Proposed § 122.92(g) is based upon the second sentence of present § 6.15(b)(6).

8. Proposed § 122.93(a) is based upon present § 6.15(c). The word "port" is changed to "airport", the phrase "authorized person" is replaced by the word "agent", and reference to appropriate Customs forms is inserted.

9. Proposed § 122.93(b) is based upon present § 6.15.

10. Proposed § 122.94(a) is based upon present § 6.16.

11. Proposed § 122.94(b) is based upon present § 6.16, and the phrase "authorized person" is replaced by the word "agent."

12. Proposed § 122.95 is based upon footnote 9 of present § 6.15(a).

SUBPART K—ACCOMPANIED BAGGAGE IN TRANSIT

1. Proposed §§ 122.101 and 122.102 are new and are based upon Customs Circular AIR-7-IEI, dated 1/31/72. These sections deal with entry and inspection of accompanied baggage in transit.

SUBPART L—TRANSIT AIR CARGO MANIFEST (TACM) PROCEDURES

1. Proposed § 122.111 is based upon present § 6.17.

2. Proposed § 122.112(a), (b) and (c) is based upon the definition portion of present § 6.17.

3. Proposed § 122.112(d) is based upon present § 6.18(a), and defines the use of the transit air cargo manifest.

4. Proposed § 122.113 is based upon present § 6.18(a), and discusses the form for transit air cargo manifest procedures.

5. Proposed § 122.114(a) is based upon the last sentence of present § 6.18(a), and Customs Circular AIR-7-EV, dated 5/8/62.

6. Proposed § 122.114(b) is based upon the first sentence of present § 6.18(b).

7. Proposed § 122.114(b)(2) is based upon the second sentence of present § 6.18(b).

8. Proposed § 122.114(c) is based upon present § 6.18(d).

9. Proposed § 122.114(d) is based upon present § 6.18(f), and deals with the number of manifest copies required.

10. Proposed § 122.114(e) is based upon present § 6.18(e) and deals with corrections to the route shown on the original manifest.

11. Proposed § 122.115 is based upon present § 6.18(e) and Customs Circular AIR-7-EV, dated 5/8/62. The section deals with labeling of cargo.

12. Proposed § 122.116 is based upon present § 6.19.

13. Proposed § 122.117(a)(1) is based upon the first sentence of present § 6.20(c).

14. Proposed § 122.117(a)(2) is based upon the second sentence of present § 6.20(c).

15. Proposed § 122.117(b) is based upon present § 6.20(b) and (d).

16. Proposed § 122.117(c)(1) is based upon present § 6.20(c) and deals with responsibility for direct exportation of transit air cargo.

17. Proposed § 122.117(c) is based upon the fourth sentence of present § 6.20(c).

18. Proposed § 122.117(c)(3) is based upon the last sentence of present § 6.20(c).

19. Proposed § 122.117(d) is based upon present § 6.20(c) and deals with receipt for split shipments.

20. Proposed § 122.118(a) is based upon present § 6.24(a). All material in the present section following the phrase "in the United States" is deleted and the words "under this section" are added.

21. Proposed § 122.118(b) is based upon present § 6.21(c).

22. Proposed § 122.118(c) is based upon present § 6.24(d) and (c).

23. Proposed § 122.118(d) is based upon present § 6.24(g) with the phrase "air carrier" being replaced by the word "airline."

24. Proposed § 122.118(f) is based upon Customs Circular AIR-7-CO, dated 3/17/65. It concerns the exportation of post-entered air cargo.

25. Proposed § 122.118(g) is based upon present § 6.24(d).

26. Proposed § 122.119(a) is based upon present § 6.22(a).

27. Proposed § 122.119(b) is based upon present § 6.21(a).

28. Proposed § 122.119(c) is based upon present § 6.22(a) and Customs Circular TRA-1-IMS, dated 7/15/68.

29. Proposed § 122.119(d)(1) and (2) is based upon present § 6.22(c) and (d), and deals with failure to deliver transit air cargo in timely fashion.

30. Proposed § 122.119(e) is based upon present § 6.22(a) and deals with the transfer of cargo between carriers.

31. Proposed § 122.120(a) is based upon present § 6.23(a) and establishes the authority for transporting cargo to another port for exportation.

32. Proposed § 122.120(b)(1) is based upon the first sentence of present § 6.23(a). The phrase "may be" is changed to "shall."

33. Proposed § 122.120(b)(2) is based upon the second sentence of present § 6.23(c). The phrase "when the goods are ready for lading" is replaced by the phrase "when transit air cargo is ready for lading."

34. Proposed § 122.120(c) is based upon present § 6.21(b), and deals with the time limit for delivery of transit air cargo for exportation.

35. Proposed § 122.120(d) is based upon present § 6.23 and sets forth new procedures for using Customs Form 7512-C.

36. Proposed § 122.120(e) is based upon present § 6.23(b) and details the requirements for presentation of the carrier manifest copy.

37. Proposed § 122.120(f) is based upon the first sentence of present § 6.23(c).

38. Proposed § 122.120(g) is based upon present § 6.23(e).

39. Proposed § 122.120(h) is based upon present § 6.23(d). The phrase "these documents (including the clearance copies of transit air cargo manifest)" is replaced by the phrase "the exportation and clearance copies of transit air cargo manifests."

40. Proposed § 122.120(i) is based upon present § 6.23(h).

41. Proposed § 122.120(j) is based upon present § 6.23(h) and deals with cargo laden on more than one aircraft of the same airline.

42. Proposed § 122.120(k) is based upon present § 6.23(g).

SUBPART M—AIRCRAFT LIQUOR KITS

NOTE.—Proposed §§ 122.131 through 122.137, the aircraft liquor kit provisions, do not appear in Part 6, Customs Regulations. The procedures outlined in the proposed subpart are of general applicability and appear by virtue of the requirements of Pub. L. 89-487 (5 U.S.C. 1002). The subpart is based upon Customs Circular AIR-7-AIR, dated 6/16/64.

SUBPART N—FLIGHTS TO AND FROM THE U.S. VIRGIN ISLANDS

1. Proposed § 122.141 is a new definition section, inserted to help clarify the subpart.

2. Proposed § 122.142 is based upon present § 6.25(a).

3. Proposed § 122.143 is based upon present § 6.25(b).

4. Proposed § 122.144(a)(1) is based upon present § 6.25(c)(1).

5. Proposed § 122.144(a)(2) is based upon present § 6.25(c)(2).

6. Proposed § 122.144(b) is based upon present § 6.25(c)(3).
7. Proposed § 122.144(c) is based upon present § 6.25(c)(4).
8. Proposed § 122.144(d) is based upon present § 6.25(c)(5).
9. Proposed § 122.144(d)(1) is based upon present § 6.25(c)(5)(i).
10. Proposed § 122.144(d)(2), (3), and (4) is based upon present § 6.25(c)(5)(ii).

SUBPART O—PUBLIC AIRCRAFT

1. Proposed § 122.151 is new and is based upon present § 4.5, government vessels.

SUBPART P—PENALTIES

1. Proposed § 122.161 is based upon present § 6.10.
2. Proposed § 122.162 is based upon present § 6.7(h).
3. Proposed § 122.163 is based upon present § 6.22(e).
4. Proposed § 122.164 is based upon present § 6.23(g).
5. Proposed § 122.165 is new and is based upon Customs Circular AIR-4-CR, dated 11/12/72. It concerns the Air Cabotage statute, 49 U.S.C. 1508(b).

EDITORIAL CHANGES

Throughout the revision, numerous editorial changes have been made to clarify and simplify the language contained in the present air commerce regulations in Part 6.

COMMENTS

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

REGULATORY FLEXIBILITY ACT

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601, et seq.), it is certified that this proposed revision will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

EXECUTIVE ORDER 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

PAPERWORK REDUCTION ACT

This document is subject to § 3504(h) of the Paperwork Reduction Act of 1980, Pub. L. 96-511. Public comments relating to the information collection aspects of the proposal should be addressed to the Office of Management and Budget and to Customs at the addresses set forth in the ADDRESS portion of this document.

DRAFTING INFORMATION

The principal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, Customs Headquarters. However, personnel from other Customs offices participate in its development.

LIST OF SUBJECTS IN 19 CFR PART 122

Air carriers, Air transportation, Aircraft, Airports, Cuba, Freight.

PART 6—AIR COMMERCE REGULATIONS

It is proposed to amend Chapter I of title 19, Code of Federal Regulations, by removing Part 6 (19 CFR Part 6).

It is proposed to further amend Chapter I of title 19, Code of Federal Regulations, by adding a new part, Part 122, to read as follows:

PART 122—AIR COMMERCE REGULATIONS

SUBPART A—SCOPE AND GENERAL DEFINITIONS AND PROVISIONS

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- 122.2 General definitions
- 122.3 Other Customs laws and regulations
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SUBPART J—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

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SUBPART N—FLIGHTS TO AND FROM THE U.S. VIRGIN ISLANDS

- 122.141 Definitions
- 122.142 Flights between the Virgin Islands and a foreign area
- 122.143 Flights from the U.S. to the Virgin Islands
- 122.144 Flights from the Virgin Islands to the U.S.

SUBPART O—PUBLIC AIRCRAFT

- 122.151 Public aircraft of the U.S. or foreign countries

SUBPART P—PENALTIES

- 122.161 In general
- 122.162 Failure to notify and explain differences in air cargo manifest
- 122.163 Transit air cargo traveling to U.S. ports
- 122.164 Transportation to another port for exportation
- 122.165 Air cabotage

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1624, 1644, 49 U.S.C. 1509.

SUBPART A—SCOPE AND GENERAL DEFINITIONS AND PROVISIONS

§ 122.1 Scope.

The regulations in this part relate to the entry and clearance of aircraft, and the transportation of persons and cargo by aircraft, and are applicable to all air commerce.

They do not apply to Guam, Midway, American Samoa, Wake, Kingman Reef and Johnston Island and other insular possessions

not specified herein. They do apply to the U.S. Virgin Islands as stated in Subpart N (§§ 122.141-122.144).

§ 122.2 General definitions.

The following definitions apply in this part, unless otherwise stated:

(a) *Aircraft*. An "aircraft" is any device now known, or hereafter invented, used, or designed for navigation or flight in the air.

(b) *Aircraft commander*. An "aircraft commander" is any person serving on an aircraft who is in charge or has command of its operation and navigation.

(c) *Agent*. An "agent" is any person who is authorized to act for or in place of:

(1) An owner or operator of a scheduled airline by written authority; or

(2) An owner or operator of a non-scheduled airline, by power of attorney.

The authority to act shall be in writing and satisfactory to the district director.

(d) *Commercial aircraft*. A "commercial aircraft" is any aircraft transporting passengers and/or cargo for some payment or other consideration, including money or services rendered.

(e) *International airport*. An "international airport" is any airport designated by:

(1) The Secretary of the Treasury or the Commissioner of Customs as a port of entry for aircraft arriving in the U.S. from any place outside thereof and for the merchandise carried on such aircraft;

(2) The Attorney General as a port of entry for aliens arriving on such aircraft; and

(3) The Secretary of Health and Human Services as a place for quarantine inspection.

(f) *Landing rights airport*. A "landing rights airport" is any airport, other than an international airport, at which flights from a foreign area may be allowed to land.

(g) *Preclearance*. "Preclearance" is the tentative examination and inspection of air travelers and their baggage, at the request of an airline, at foreign places where Customs personnel are stationed for that purpose. Preclearance may be used only for passengers and their baggage.

(h) *Private aircraft*. A "private aircraft" is any aircraft engaged in a personal or business flight to or from the U.S. which is not:

(1) Carrying passengers and/or cargo for commercial purposes;

(2) Leaving the U.S. in ballast to lade passengers and/or cargo in a foreign area for commercial purposes; or

(3) Returning to the U.S. in ballast after leaving with passengers and/or cargo for commercial purposes;

(i) *Public aircraft.* A "public aircraft" is any aircraft owned by, or under the complete control of, the U.S., its agencies, or any foreign nation. This definition applies if the aircraft is:

(1) manned entirely by members of the armed forces or civil service of such government, or by both;

(2) transporting only property of such government, or passengers traveling on official business of such government; or

(3) in ballast.

(j) *Residue cargo.* "Residue cargo" is any cargo on board an aircraft arriving in the U.S. from a foreign area if the:

(1) Final delivery airport in the U.S. is not the port of arrival; or

(2) Cargo remains on board the aircraft and travels from port to port in the U.S., for final delivery in a foreign area.

(k) *Scheduled airline.* A "scheduled airline" is any individual, partnership, corporation or association:

(1) Engaged in air transportation under regular schedules to, over, away from, or within the U.S.; and

(2) Holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity, issued by the Civil Aeronautics Board.

(L) *United States.* The "U.S." means the territory of the several States, the District of Columbia, and Puerto Rico, including the territorial waters and overlying airspace.

(M) *Place.* The term "place", as used in this Part, means anywhere outside of the airspace of the United States.

§ 122.3 Other Customs laws and regulations.

Except as otherwise provided for in this part, and insofar as such laws and regulations are applicable aircraft arriving or having arrived from any foreign port or place, and the persons and merchandise, including baggage, carried thereon, shall be subject to the laws and regulations applicable to vessels arriving or having arrived from any foreign port or place, to the extent that such laws and regulations are administered by Customs.

§ 122.4 Availability of forms.

The forms mentioned in this part may be purchased from the district director at a port of entry. A small number of each form is set aside by each district director for free distribution and official use.

§ 122.5 English language required.

A translation in the English language shall be attached to the original and each copy of any form or document written in a foreign language.

§ 122.6 Reproduction of Customs forms.

(a) *Specifications.* The Customs forms mentioned in this part may be printed by private parties if the same size, working, arrangement, style and size of type, and quality and color of paper are used.

(b) *Exceptions.* District directors may accept privately printed copies of the General Declaration (Customs Form 7507) and air cargo manifest (Customs Form 7509) which are different from the official forms. The private forms shall include all information required on the official forms. The differences allowed are:

(1) *General Declaration.* Customs Form 7507 may be printed in several languages, so long as the form includes an English version. The instructions on the reverse side of the official form may be omitted.

(2) *Air cargo manifest.* Customs Form 7509 may be changed to allow for additional information used by the airline.

SUBPART B—INTERNATIONAL AIRPORTS

§ 122.11 Designation as international airport.

(a) *Procedure.* International airports, as defined in § 122.2(e), will be designated after due investigation to establish the fact that a sufficient need exists in any particular district or area to justify such designation and to determine the airport best suited for such purpose. In each case, a specific airport will be chosen, rather than a general area or district. International airports will be publicly owned, unless circumstances require otherwise.

(b) *Withdrawal of designation.* The designation as an international airport may be withdrawn for any of the following reasons:

(1) The amount of business clearing through the airport does not justify maintenance of inspection equipment and personnel;

(2) Proper facilities are not provided or maintained by the airport;

(3) The rules and regulations of the Federal Government are not followed; or

(4) Some other location would be more useful.

(c) *Providing office space to the Federal Government.* Each international airport shall provide, without cost to the Federal Government, proper office and other space for the sole use of Federal officials working at the airport. A suitable paved loading area shall be supplied by each airport at a place convenient to the office space. The loading area shall be kept for the use of aircraft entering or clearing through the airport.

§ 122.12 Operation of international airports.

(a) *Entry, clearance and charges.* International airports are open to all aircraft for entry and clearance at no charge. Charges may be made by the airport when commercial or private aircraft use the airport:

(1) For taking on or discharging passengers or cargo; or

(2) As a base for other commercial or private operations.

(b) *Servicing of aircraft.* When an aircraft enters or clears through an international airport, it shall be promptly serviced by airport personnel solely on the basis of order of arrival or readiness

for departure. Servicing charges shall not be greater than the schedule of charges in effect at the airport in question. A copy of the schedule of charges shall be posted in a prominent place at the offices of Federal agencies at the airport.

(c) *Federal Aviation Administration rules.* International airports shall follow and enforce any requirements for airport operations, including airport rules, that are set out by the Federal Aviation Administration.

(d) *Additional requirements.* Additional requirements may be put into effect at a particular airport as the needs of the district served by the airport demand.

§ 122.13 List of international airports.

The following is a list of international airports of entry designated by the Secretary of the Treasury without time limit.

Location	Name
Akron, Ohio.....	Akron Municipal Airport.
Albany, N.Y.....	Albany County Airport.
Baudette, Minn.....	Baudette International Airport.
Bellingham, Wash.....	Bellingham International Airport.
Brownsville, Tex.....	Brownsville International Airport.
Burlington, Vt.....	Burlington International Airport.
Calexico, Calif.....	Calexico International Airport.
Caribou, Maine.....	Caribou Municipal Airport.
Chicago, Ill.....	Midway Airport.
Cleveland, Ohio.....	Cleveland Hopkins International Airport.
Cut Bank, Mont.....	Cut Bank Airport.
Del Rio, Tex.....	Del Rio International Airport.
Detroit, Mich.....	Detroit City Airport.
Detroit, Mich.....	Detroit Metropolitan Wayne County Airport.
Douglas, Ariz.....	Bisbee-Douglas International Airport.
Duluth, Minn.....	Duluth International Airport.
Duluth, Minn.....	Sky Harbor Airport.
Eagle Pass, Tex.....	Eagle Pass Municipal Airport.
El Paso, Tex.....	El Paso International Airport.
Fort Lauderdale, Fla.....	Fort Lauderdale-Hollywood International Airport.
Friday Harbor, Wash.....	Friday Harbor Seaplane Base.
Grand Forks, N.Dak.....	Grand Forks International Airport.
Great Falls, Mont.....	Great Falls International Airport.
Havre, Mont.....	Havre City-County Airport.
Houlton, Maine.....	Houlton International Airport.

Location	Name
International Falls, Minn	Falls International Airport.
Juneau, Alaska	Juneau Municipal Airport.
Juneau, Alaska	Juneau Harbor Seaplane Base.
Ketchikan, Alaska	Ketchikan Harbor Seaplane Base.
Key West, Fla	Key West International Airport.
Laredo, Tex	Laredo International Airport.
Massena, N.Y	Richards Field.
McAllen, Tex	Miller International Airport.
Miami, Fla	Chalk Seaplane Base.
Miami, Fla	Miami International Airport.
Minot, N.Dak	Minot International Airport.
Nogales, Ariz	Nogales International Airport.
Ogdensburg, N.Y	Ogdensburg Harbor.
Ogdensburg, N.Y	Ogdensburg International Airport.
Oroville, Wash	Dorothy Scott Airport.
Oroville, Wash	Dorothy Scott Seaplane Base.
Pembina, N.Dak	Pembina Municipal Airport.
Portal, N.Dak	Portal Municipal Airport.
Port Huron, Mich	St. Clair County International Air- port.
Port Townsend, Wash	Jefferson County International Airport.
Ranier, Minn	Ranier International Seaplane Base.
Rochester, N.Y	Rochester-Monroe County Airport.
Rouses Point, N.Y	Rouses Point Seaplane Base.
San Diego, Calif	San Diego International Airport (Lindbergh Field).
Sandusky, Ohio	Griffing-Sandusky Airport.
Sault Ste. Marie, Mich	Sault Ste. Marie City-County Air- port.
Seattle, Wash	King County International Air- port.
Seattle, Wash	Lake Union Air Service (Sea- planes).
Tampa, Fla	Tampa International Airport.
Tucson, Ariz	Tucson International Airport.
Watertown, N.Y	Watertown New York Internation- al Airport.
West Palm Beach, Fla	Palm Beach International Airport.
Williston, N.Dak	Sloulin Field International Air- port.
Wrangell, Alaska	Wrangell Seaplane Base.
Yuma, Ariz	Yuma International Airport.

SUBPART C—PRIVATE AIRCRAFT

§ 122.21 Application.

This subpart applies to all private aircraft as defined in § 122.2(h). All other provisions of this part do not apply to private aircraft, except where stated in this subpart.

§ 122.22 Notice of arrival.

When arriving in the U.S. from a foreign area, all private aircraft not covered by § 122.23 shall give advance notice of arrival as required in § 122.31.

§ 122.23 Private aircraft arriving from areas south of the U.S.

(A) *Private aircraft defined.* For the purpose of this section, "private aircraft" means all aircraft except public aircraft and those aircraft operated, on a regularly published schedule, pursuant to a certificate of public convenience and necessity or foreign aircraft permit issued by the Civil Aeronautics Board, or its successor, the Department of Transportation, authorizing interstate, overseas air transportation, and those aircraft with a seating capacity of more than 30 passengers or a maximum payload capacity of more than 7,500 pounds which are engaged in air transportation for compensation or hire on demand. (See 49 U.S.C. 1372 and 14 CFR Part 298).

(b) *Advance report of penetration of U.S. airspace via Gulf and Atlantic Coasts.* All private aircraft arriving in the U.S. via the Gulf of Mexico and Atlantic Coasts from a place in the Western Hemisphere south of 30 degrees north latitude, from any place in Mexico, from the U.S. Virgin Islands, or (notwithstanding the definition of "United States" in § 122.2(L)) from Puerto Rico, shall furnish a notice of intended arrival to Customs at the nearest designated airport to the point of crossing listed in § 122.24(b) for the first landing in the U.S.

(c) *Notice of arrival.* Aircraft covered by this section shall give advance notice of arrival to Customs not less than 1 hour before crossing the U.S. border or coastline.

(d) *Notice procedures.* Advance notice of arrival shall be given at the intended place of first landing, as specified in paragraph (f) of this section, either:

(1) through Federal Aviation Administration flight notification procedures (see International Flight Information Manual, Federal Aviation Administration); or

(2) to the district director or Customs officer in charge.

(e) *Contents of notice.* The advance notice of arrival shall include the following:

- (1) Aircraft registration number;
- (2) Name of aircraft commander;
- (3) Number of U.S. citizen passengers;
- (4) Number of alien passengers;

- (5) Place of last foreign departure;
- (6) Estimated time and location of crossing U.S. border/coastline.
- (7) Estimated time of arrival.
- (8) Name of intended U.S. airport of first landing, as listed in § 122.24, unless an exemption has been granted under § 122.25.
- (f) *Responsibility for notice.* The aircraft commander has the final responsibility for giving adequate advance notice of arrival, regardless of the method of notice used.

§ 122.24 Landing requirements.

(a) *In general.* Private aircraft arriving in the U.S. from a foreign area shall follow the landing requirements set out in §§ 122.23 and 122.36.

(b) *Special requirements.* All private aircraft required to give advance notice of arrival under § 122.23 shall land for Customs processing at the following airport which is nearest to the point of crossing the U.S. border or coastline, unless an exemption has been granted under § 122.25.

Location	Name
Beaumont, Tex.....	Jefferson County Airport.
Brownsville, Tex.....	Brownsville International Airport.
Calexico, Calif.....	Calexico International Airport.
Corpus Christi, Tex.....	Corpus Christi International Airport.
Del Rio, Tex.....	Del Rio International Airport.
Douglas, Ariz.....	Bisbee-Douglas International Airport.
Eagle Pass, Tex.....	Eagle Pass Municipal Airport.
El Paso, Tex.....	El Paso International Airport.
Fort Lauderdale, Fla.....	Fort Lauderdale Executive Airport.
Fort Lauderdale, Fla.....	Fort Lauderdale-Hollywood International Airport.
Fort Pierce, Fla.....	St. Lucie County Airport.
Houston, Tex.....	William P. Hobby Airport.
Key West, Fla.....	Key West International Airport.
Laredo, Tex.....	Laredo International Airport.
McAllen, Tex.....	Miller International Airport.
Miami, Fla.....	Miami International Airport.
Miami, Fla.....	Opa-Locka Airport.
New Orleans, La.....	New Orleans International Airport (Moisant Field).
New Orleans, La.....	New Orleans Lafefront Airport.
Nogales, Ariz.....	Nogales International Airport.
Presidio, Tex.....	Presidio-Lely International Airport.

Location	Name
San Diego, Calif	Brown Field.
San Diego, Calif	San Diego International Airport (Lindbergh Field).
Tampa, Fla.....	Tampa International Airport.
Tucson, Ariz.....	Tucson International Airport.
West Palm Beach, Fla	Palm Beach International Airport.
Yuma, Ariz	Yuma International Airport.

§ 122.25 Exemption from special landing requirements.

(a) *Request.* An owner or aircraft commander required to give advance notice of arrival under § 122.23 may request an exemption from the special landing requirements in § 122.24. An exemption permits the aircraft to land at any airport in the U.S. staffed by Customs. Aircraft traveling under an exemption shall still follow advance notice and general landing rights requirements.

(b) *Procedure.* An exemption request shall be made to the district director at the airport of first landing at which Customs processing is desired. The request shall be submitted:

(1) At least 30 days before the anticipated first arrival if the request is for an exemption covering a number of flights over a period of one year; or

(2) At least 15 days before the anticipated arrival if the request is for a single flight.

(c) *Content of request.* A request for exemption from the special landing requirements shall include the following information:

(1) Aircraft registration number;

(2) Identity of the aircraft (make, model number, color and type, such as turboprop, reciprocating, helicopter, etc.);

(3) A statement that the aircraft is equipped with a functioning transponder which will be in use during overflight.

(4) Names, addresses, and dates of birth of owners of the aircraft (if the aircraft is being operated under a lease, the name and address of the lessee, in addition to that of the owner);

(5) Names, addresses, and dates of birth of all crewmembers;

(6) Names, addresses, and dates of birth of usual or potential passengers to the extent possible;

(7) Description of usual or anticipated cargo or baggage;

(8) Description of company's usual business activity, if aircraft is company-owned;

(9) Name of intended airport of first landing in the U.S.;

(10) Foreign places from which the flight(s) will begin;

(11) Detailed reasons for overflight exemption, stated in terms of savings in cost and time, safety considerations, and convenience.

(d) The owner or aircraft commander of a private aircraft granted an exemption from the landing requirement shall:

(1) Notify Customs of a change of Federal Aviation Administration registration number for the aircraft;

(2) Notify Customs of the sale of the aircraft;

(3) Notify Customs of changes of usual or anticipated pilots or crewmembers, as specified in paragraph (c)(5) of this section. One pilot or crewmember as identified in paragraph (c)(5) of this section shall be present on every flight to maintain exemption status. The notifications specified in this paragraph shall be given to Customs within 5 working days of the change or sale, or before a flight for which there is an exemption, whichever occurs earlier.

§ 122.26 Entry and clearance.

Private aircraft, as defined in § 122.2(h), are not required to enter or to clear.

§ 122.27 Documents required.

(a) *Crewmembers and passengers.* Crewmembers and passengers on a private aircraft arriving in the U.S. shall make baggage declarations as set forth in Part 148 of this Chapter. An oral declaration of articles acquired in foreign areas shall be made, unless a written declaration on Customs Form 6059-B is found necessary by inspecting officers.

(b) *Cargo.*

(1) On arrival, cargo and unaccompanied baggage not carried for hire aboard a private aircraft may be listed on a baggage declaration on Customs Form 6059-B, and shall be entered. If the cargo or unaccompanied baggage is not listed on a baggage declaration, it shall be entered in the same manner as cargo carried for hire into the U.S.

(2) On departure, when a private aircraft leaves the U.S. carrying cargo not for hire, the Bureau of Census (15 CFR Part 30) and the Export Administration (15 CFR Parts 368-399) regulations shall be followed. A foreign landing certificate or certified copy of a foreign Customs entry is required as proof of exportation if the cargo includes:

(i) Merchandise valued at more than \$100.00; or

(ii) More than one case of alcoholic beverages withdrawn from a Customs bonded warehouse or otherwise in bond for direct exportation by private aircraft.

§ 122.28 Private aircraft taken abroad by U.S. residents.

An aircraft belonging to a resident of the U.S. which is taken to a foreign area for non-commercial purposes and then returned to the U.S. by the resident shall be admitted under the conditions and procedures set forth in § 148.32 of this chapter.

(a) *Repairs.* Repairs made in a foreign area which are incidental to the use of the aircraft abroad are not subject to duty. Incidental

repairs under this section means a repair which was not anticipated before the aircraft left the U.S.

(b) *Equipment.* Equipment or accessories acquired in a foreign area and imported separately are subject to payment of duty. Equipment or accessories not incidental to use of the aircraft abroad are also subject to duty.

(c) *Assessment.* Any repairs made to, or equipment and accessories installed on, a private aircraft which are not incidental to the use of the aircraft abroad are subject to the duty rate at which the aircraft would be dutiable if imported.

(d) *Entry.* Entry on a baggage declaration or on a regular entry shall be made if the repair, equipment or accessory is subject to duty.

§ 122.29 Overtime services.

(a) *Application.* Private aircraft arriving in the U.S. and requiring Customs services to be performed outside the regular hours of duty are subject to overtime charges. The overtime charges to be assessed against the operator of a private aircraft in connection with each arrival are limited to a maximum of \$25.

(b) *Procedure.* An application must be made on Customs Form 3171 to receive overtime services. The application shall be supported by a bond on Customs Form 301, containing the bond conditions set forth in Subpart G of Part 113 of this chapter, or a cash deposit, and may be effective up to one year. See § 24.16(c) of this chapter.

§ 122.30 Other Customs laws and regulations.

Sections 122.3 and 122.161 apply to private aircraft.

SUBPART D—LANDING REQUIREMENTS

§ 122.31 Notice of arrival.

(a) *Application.* All aircraft entering the U.S. from a foreign area shall give advance notice of arrival. Exceptions to this requirement are found in paragraph (b) of this section. When a private aircraft enters the U.S. from a foreign area in the Western hemisphere south of the U.S., advance notice shall be given as stated in § 122.23.

(b) *Exception.*

(1) *Scheduled aircraft of a scheduled airline.* Advance notice is not required for aircraft of a scheduled airline arriving under a regular schedule. The regular schedule shall have been filed with the district director for the district in which the first landing is made. Scheduled airlines shall also submit a copy of their schedules to the Regional Commissioner of the region in which the scheduled aircraft will land. This notice shall be given 30 days before the effective date of the schedule.

(2) *Public aircraft.* Public aircraft are covered by Subpart O.

(c) *Giving notice of arrival.* (1) *Procedure.* The commander of an aircraft covered by this section shall give the advance notice of ar-

rival. Notice shall be given to the district director at or nearest the place of first landing, either:

- (i) Directly by radio or other method; or
- (ii) Through Federal Aviation Administration flight notification procedure (see International Flight Information Manual, Federal Aviation Administration).

(2) *Reliable facilities.* When reliable means for giving notice are not available (for example, when departure is from a remote place) a landing shall be made at a place where notice can be sent. This shall be done before coming into the U.S. If necessary, radio equipment may be used to give required notice.

(d) *Contents of notice.* The advance notice of arrival shall state:

- (1) Type of aircraft and registration number;
- (2) Name of aircraft commander;
- (3) Place of last foreign departure;
- (4) International airport of intended landing or other place at which landing has been authorized by Customs;
- (5) Number of alien passengers;
- (6) Number of citizen passengers; and
- (7) Estimated time of arrival.

(e) *Time of notice.* Notice of arrival shall be sent and received far enough in advance to allow inspecting officers to reach the place of first landing of the aircraft.

(f) *Notice to other Federal agencies.* When advance notice is received, the district director shall inform any other Federal agency connected with landing.

(g) *Responsibility of aircraft commander.* The aircraft commander has the responsibility for giving adequate advance notice of arrival, regardless of the method of notice used.

§ 122.32 Aircraft required to land.

Any aircraft coming into the U.S., including Puerto Rico, from an area outside the U.S., is required to land, unless exempted by the Federal Aviation Administration, Washington, D.C.

§ 122.33 Place of first landing.

The first landing of an aircraft entering the U.S. from a foreign area shall be at an international airport (see § 122.13, International airports). Permission to land at another place may be given under § 122.34 (Landing rights airport) or § 122.35 (Emergency or forced landing).

§ 122.34 Landing rights airport.

(a) *Permission to Land.* Permission to land at a landing rights airport may be given as follows:

- (1) *Scheduled flight.* The scheduled aircraft of a scheduled airline may be allowed to land at a landing rights airport. Permission is given by the regional commissioner of the region in which first landing is made.

(2) *Other aircraft.* All other aircraft may be allowed to land at a landing rights airport by the district director at the port of entry or station nearest the first place of landing.

(3) *Additional flights, charters or changes in schedule:*

(i) *Scheduled aircraft.* If a new carrier plans to set up a new flight schedule, or an established carrier makes changes in its approved schedule, landing rights may be granted by the regional commissioner.

(ii) *Additional or charter flight.* If a carrier or charter operator wants to begin operating or to add flights, application shall be made to the district director for landing rights. All requests shall be made not less than 48 hours before the intended time of arrival, except in emergencies. If the request is oral, it shall be put in writing before or at the time of arrival.

(4) *Emergency or forced landing.* Permission to land is not required for an emergency or forced landing (see § 122.35).

(b) *Notice to Federal agencies.* If an aircraft is given permission to land at a landing rights airport, the Customs officer who granted the landing rights shall notify the Public Health Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, and any other interested Federal agency at once.

(c) *Payment of expenses.* The owner, operator or person in charge of the aircraft shall pay any added charges for inspecting the aircraft, passengers, employees and merchandise when landing rights are given. When permission to land is given to scheduled aircraft of a scheduled airline, no inspection charge is made except for the overtime expenses of Customs officers. (see § 24.16 of this chapter).

§ 122.35 Emergency or forced landing.

(a) *Application.* This section applies to emergency or forced landings made by aircraft:

(1) Travelling from airport to airport in the U.S. under a permit to proceed (see §§ 122.52, 122.54 and 122.83(d)), or a Customs Form 7509 (see § 122.113); or

(2) Coming into the U.S. from a foreign area.

(b) *Notice.* When an emergency or forced landing is made, notice shall be given:

(1) To the Customs officer at the intended place of first landing, nearest international airport, or nearest port of entry, as soon as possible;

(2) By the aircraft commander, other person in charge, or aircraft owner, who shall make full report of the flight and the emergency or forced landing.

(c) *Passengers and crewmembers.* The aircraft commander or other person in charge shall keep all passengers and crewmembers in a separate place at the landing area until Customs officers arrive. Passengers and crewmembers may be removed if necessary for safety, or for the purpose of contacting Customs officers.

(d) *Merchandise and baggage.* The aircraft commander or other person in charge shall keep all merchandise and baggage together and unopened at the landing area until Customs officers arrive. The merchandise and baggage may be removed for safety or to protect property.

(e) *Mail.* Mail may be removed from the aircraft, but shall be delivered at once to an officer or employee of the Postal Service.

§ 122.36 Responsibility of aircraft commander.

If an aircraft lands in the U.S. and inspection officers have not arrived, the aircraft commander shall hold the aircraft, and any merchandise or baggage on the aircraft for inspection. Passengers and crewmembers shall be kept in a separate place until inspection officers arrive.

§ 122.37 Precleared aircraft.

(a) *Application.* This section applies when aircraft carrying pre-cleared crew, passengers and baggage or merchandise makes an unscheduled or unintended landing at an airport in the U.S.

(b) *Notice.* The airline commander or agent shall give written notice to the Customs office at:

- (1) The intended place of unloading; and
- (2) The place of preclearance.

(c) *Time of notice.* Notice shall be given within 7 days unless other arrangements have been made in advance between the carrier and the district director.

§ 122.38 Permit and special license to unlade and lade.

(a) *Application.* A permit and/or special license to unlade passengers, baggage, and merchandise, or to lade baggage and merchandise, may be issued at any airport.

(1) *Permit to unlade and lade.* A permit is necessary to obtain Customs supervision of unloading and lading during official Customs duty hours.

(2) *Special license to unlade and lade.* A special license is necessary under this section to obtain Customs supervision of unloading and lading at any time not within official Customs duty hours.

(b) *Procedure.* The application for a permit and/or special license to unlade and lade shall be made on Customs Form 3171. An application will not be granted unless supported by a bond on Customs Form 301, containing the bond conditions set forth in Subpart G of Part 113 of this chapter, or a cash deposit, unless this requirement is waived under § 122.38(c). A request for a permit may be included with a request for a special license. Application shall be made to the district director for the district in which the unloading or lading will take place.

(c) *Waiver.* To insure prompt and orderly clearance of the aircraft, passengers, baggage, or merchandise, the district director may waive the requirement under § 122.38(b) that a bond on Customs Form 301, containing the bond conditions set forth in Subpart

G of Part 113 of this chapter, or a cash deposit, be furnished, if he is convinced that the revenue is protected and that all Customs requirements are satisfied.

(d) *Term permit and term special license.* A separate application for a permit and/or special license is not required for each arrival or departure when:

(1) An aircraft is covered by a term permit or a term special license; or

(2) Local arrangements have been made to notify Customs before services are needed.

The notice to Customs shall include the specific kind of service requested, and the exact time it will be needed.

(e) *Separate applications.* If the aircraft is not covered by a term permit or a term special license, and arrangements for notice to Customs have not been made, a separate application for a permit and/or a special license shall be made for arrival and departure.

(f) *Other statutes.* A permit or special license will not be issued, and any term permit or term special license already issued will be revoked, if the carrier does not follow the employee list and terminal facilities requirements of § 4.30 of this chapter.

(g) *Automatic renewal.* An aircraft which has a bond on Customs Form 301 containing the appropriate bond set forth in Subpart G of Part 113 of this chapter, on file may request automatic renewal of a permit and/or special license. The request shall be for successive annual periods which conform to the automatic renewal periods of the airline's consolidated bond. An application for automatic renewal will be approved by the district director unless specific reasons exist for non-approval. If a request for automatic renewal is not approved, the district director shall notify the airline, and shall set out the reasons for the denial. To apply for automatic renewal, item 10 on Customs Form 3171 shall be changed by adding the following words after the period of time indicated:

"And automatic annual renewal thereof for so long as the bond is renewed and remains in effect."

SUBPART E—AIRCRAFT ENTRY AND ENTRY DOCUMENTS

§ 122.41 Aircraft required to enter.

All aircraft coming into the U.S. from a foreign area shall make entry under Subpart E except:

(a) Public and private aircraft; and

(b) Aircraft traveling from airport to airport in the U.S. under Subpart I, relating to Residue Cargo Procedures.

§ 122.42 Aircraft entry.

(a) *By whom.* Entry shall be made by the aircraft commander or an agent.

(b) *Place of entry.* (1) *First landing at International airport.* Entry shall be made at the international airport at which first landing is made.

(2) *First landing at another airport.* If the first landing is not at an international airport, the aircraft commander or an agent shall make entry at the nearest international airport or port of entry, unless some other place is allowed for the purpose.

(c) *Delivery of forms.* When the aircraft arrives, the aircraft commander or agent shall deliver any required forms to the Customs officer at the place of entry at once.

§ 122.43 General Declaration.

(a) *When required.* A general declaration, Customs Form 7507, shall be filed for all aircraft required to enter under § 122.41 (Aircraft required to enter).

(b) *Exception.* Aircraft arriving directly from Canada on a flight beginning in Canada and ending in the U.S. need not file a general declaration to enter. Instead, an air cargo manifest (see § 122.48) may be filed in place of the general declaration, whether or not cargo is on board. The air cargo manifest shall state the following: I certify to the best of my knowledge and belief that this manifest contains an exact and true account of all cargo on board this aircraft.

Signature _____

Aircraft Commander or Agent

(c) *Form.* The general declaration shall be on Customs Form 7507 or on a privately printed form prepared under § 122.6. The form shall contain all required information, unless the information is given in some other manner under Subpart E.

§ 122.44 Crew baggage declaration.

When an aircraft enters the U.S. from a foreign area, aircraft crewmembers shall file a crew baggage declaration as provided in Subpart G, Part 148 of this chapter.

§ 122.45 Crew list.

(a) *When required.* A crew list shall be filed by all aircraft required to enter under § 122.41.

(b) *Exception.* No crew list is required for aircraft arriving directly from Canada on a flight beginning in Canada and ending in the U.S. Instead, the total number of crewmembers may be shown on the general declaration.

(c) *Form.* The crew list shall show the full name (last name, first name, middle initial) of each crewmember, either:

(1) On the general declaration in the column headed "Total Number of Crew"; or

(2) On a separate, clearly marked document.

(d) *Crewmembers returning as passengers.* Crewmembers of any aircraft returning to the U.S. as passengers on a commercial air-

craft from a trip on which they were employed as crewmembers shall be listed on the aircraft general declaration or crew list.

§ 122.46 Crew purchase list.

(a) *When required.* A crew purchase list shall be filed with the general declaration for any aircraft required to enter under § 122.41.

(b) *Exception.* A crew purchase list is not required when an aircraft arrives directly from Canada on a flight beginning in Canada and ending in the U.S. If a written crew declaration is required for the aircraft under Subpart G of Part 148 of this chapter (Crewmember Declarations and Exemptions), it shall be attached to the air cargo manifest, along with the number of any written crew declarations.

(c) *Form.* When a crewmember enters articles for which a written crew declaration is not required (see Subpart G, Part 148 of this chapter), the articles shall be listed next to the crewmember's name on the general declaration, or on the attached crew purchase list. Articles listed on a written crew declaration need not be listed on the crew purchase list if:

(1) The crew declaration is attached to the general declaration, or to the crew list which in turn is attached to the general declaration; and

(2) The statement "Crew purchases as per attached crew declaration" appears on the general declaration or crew list.

§ 122.47 Stores list.

(a) *When required.* A stores list shall be filed for all aircraft required to enter under § 122.41.

(b) *Form.* The aircraft stores shall be listed on the cargo manifest or on a separate list. If the stores are listed on a separate list, the list must be attached to the cargo manifest. The statement "Stores List Attached" must appear on the cargo manifest.

(c) *Contents.* (1) *Required listing.* The stores list shall include all of the following:

(i) Alcoholic beverages, cigars, cigarettes and narcotic drugs, whether domestic or foreign;

(ii) Bonded merchandise arriving as stores;

(iii) Foreign merchandise arriving as stores; and

(iv) Equipment which must be licensed by the Secretary of State (see § 122.48(b)).

(2) *Other articles.* In the case of aircraft of scheduled airlines, other domestic supplies and equipment (if not subject to license) and fuel may be dropped from the stores list if the statement "Domestic supplies and equipment and fuel for immediate flight only, except as noted" appears on the cargo manifest or on the separate stores list. The stores list shall be attached to the cargo manifest.

(d) *Other statutes.* Section 446, Tariff Act of 1930 as amended (19 U.S.C. 1446), which covers supplies and stores kept on board vessels, applies to aircraft arriving in the U.S. from any foreign area.

§ 122.48 Air cargo manifest.

(a) *When required.* An air cargo manifest for all cargo on board shall be filed together with the general declaration for any aircraft required to enter under § 122.41.

(b) *Exception.* A cargo manifest is not required for merchandise, baggage and stores arriving from and departing for a foreign country on the same through flight. Any cargo manifest already on board may be inspected. Any arms, ammunition or implements of war on board which must be licensed by the Secretary of State shall be listed on the cargo manifest. Company mail shall be listed on the cargo manifest.

(c) *Form.* The cargo manifest shall be on Customs Form 7509, except when the use of Customs Form 5119A or 7523 is required.

(1) *Customs Form 7509.* When this form is used, it shall contain all required information. A more complete description of the cargo shipped under air waybills may be included by attaching a copy of each air waybill to the cargo manifest. The statement "Cargo as per air waybills attached" shall appear on the cargo manifest when this is done. Each air waybill number shall also be listed on the cargo manifest.

(2) *Customs Form 5119A.* This form may be used as the cargo manifest when the value of the cargo on board is not greater than \$1000.00.

(3) *Customs Form 7523.* This form may be used as the cargo manifest when the cargo on board may be entered duty free as described on the form.

(d) *Unaccompanied baggage.* Unaccompanied baggage arriving in the U.S. under a check number from any foreign country by air and presented timely to Customs may be authorized for delivery by the carrier after inspection and examination without preparation of an entry, declaration, or being manifested as cargo. Such baggage must be found to be free of duty or tax under any provision of Schedule 8, Tariff Schedules of the United States (19 U.S.C. 1202), and cannot be restricted or prohibited. Unaccompanied checked baggage not presented timely to Customs or presented timely and found by Customs to be dutiable, restricted, or prohibited shall be shown on the cargo manifest in columns under the following headings:

Check No.	Description of package	Where from	Destination

On the right of the foregoing columns two blank columns, one headed "Name of examining officer" and on the right thereof another headed "Disposition," shall be provided on the cargo manifest for the use of Customs officers. Unaccompanied unchecked baggage arriving as air express or freight shall be manifested as other air express or freight.

(e) *Accompanied baggage in transit.* This section applies when accompanied baggage enters into the U.S. in one aircraft and leaves the U.S. in another aircraft. When passengers do not have access to their baggage during the flight, the baggage is considered cargo and shall be listed on Customs Form 7509, Air Cargo Manifest.

§ 122.49 Correction of air cargo manifest.

(a) *Shortages.* (1) *Reporting.* Shortages (merchandise listed on the manifest but not found) shall be reported to the district director by the aircraft commander or agent. The report shall be made;

(i) On a Customs Form 5931, filled out and signed by the importer and the importing or bonded carrier; or

(ii) On a Customs Form 5931, filled out and signed by the importer alone under § 158.3 of this chapter; or

(iii) On a copy of the cargo manifest, which shall be marked "Shortage Declaration," and must list the merchandise involved and the reasons for the shortage.

(2) *Time to file.* Shortages shall be reported within the time set out in Part 158 of this chapter, or within 30 days of aircraft entry.

(3) *Evidence.* To avoid penalties, the aircraft commander or agent shall supply adequate proof of the claim that:

(i) Shortage merchandise was not imported, or was properly disposed of; or

(ii) That corrective action was taken. This proof shall be kept in the carrier file for one year from the date of aircraft entry.

(b) *Overages.* (1) *Reporting.* Overages (merchandise found but not listed on the manifest) shall be reported by the aircraft commander or agent to the district director. The report must be made:

(i) On a Customs Form 5931; or

(ii) On a separate copy of the cargo manifest which is marked "Post Entry" and lists the overage merchandise and the reason for the overage.

(2) *Time to file.* Overages shall be reported within 30 days of aircraft entry.

(3) *Evidence.* Satisfactory proof of the reasons for the overage shall be kept on file by the carrier for one year from the date of the report.

(c) *Statement on cargo manifest.* When the air cargo manifest is used to report shortages or overages, the Shortages Declaration or Post Entry must include the signed statement of the aircraft commander or agent as follows:

I declare to the best of my knowledge and belief that the discrepancy described herein occurred for the reason stated. I also certify that evidence to support the explanation of the discrepancy will be retained in the carrier's files for a period of at least one year and will be made available to Customs on demand.

Signature _____

Aircraft Commander or Agent

(d) *Notice by district director.* The district director shall immediately notify the aircraft commander or agent of any shortages or overages that were not reported by the aircraft commander or agent. Notice shall be given by sending a copy of Customs Form 5931 to the aircraft commander or agent, or in any other appropriate way. Once notice is received, the aircraft commander or agent shall make a satisfactory reply within 30 days of entry of the aircraft or receipt of the notice, whichever is later.

(e) *Correction not required.* A correction in the manifest is not required when:

(1) The district director is satisfied that the difference between the quantity of bulk merchandise listed on the manifest, and the quantity unladen, is the usual difference caused by absorption or loss of moisture, temperature, faulty weighing at the airport, or other such reason; and

(2) The marks or numbers on merchandise packages are different from the marks or numbers listed on the cargo manifest for those packages if the quantity and description of the merchandise is given correctly.

(f) *Statutes applicable.* When an aircraft arrives in the U.S. from a foreign area with merchandise and unaccompanied baggage for which a manifest must be filed, sections 440 (concerning post entry) and 584 (concerning manifest violations), Tariff Act of 1930, as amended (19 U.S.C. 1440, 1584), apply.

SUBPART F—PERMIT TO PROCEED

§ 122.51 Aircraft of domestic origin registered in the U.S.

After Customs inspection of the aircraft, passengers, baggage and merchandise at the entry airport, commercial aircraft of domestic origin registered in the U.S. may be allowed to proceed to other airports in the U.S. without permit.

§ 122.52 Aircraft of foreign origin registered in the U.S.

(a) *Application.* This section applies to commercial aircraft (as defined in § 122.2(d)) of foreign origin registered in the U.S. and arriving in the U.S. from a foreign area.

(b) *Aircraft entered as an imported article.* When an aircraft covered by this section is entered as an imported article, and any applicable duty for the aircraft has been paid on a prior arrival, it may be allowed to proceed as other than an imported article. This is allowed when the aircraft commander files a declaration that states the:

- (1) Port where entry was made.
- (2) Date duty, if any, was paid.
- (3) Number of the entry.

(c) *Aircraft not entered as imported article.* (1) *Treatment as other than an imported article.* A commercial aircraft covered by this section which has not been entered as an imported article may travel from airport to airport in the U.S. without payment of duty. Each commercial aircraft shall proceed under a permit on Customs Form 7507 or 7509, as provided in § 122.54. Treatment of the aircraft as other than an imported article shall continue for so long as the aircraft:

(i) Is used only for commercial purposes between the U.S. and foreign areas; and

(ii) Will leave the U.S. for a foreign destination in commercial use or in ballast.

(2) *Treatment as an imported article.* Any aircraft covered by this section which was not entered as an imported article shall make entry if it: is withdrawn from commercial use between the U.S. and foreign areas; or

(ii) Is used in the U.S. in a way not reasonably related to efficient commercial use of the aircraft between the U.S. and foreign areas.

(d) *Aircraft damage and duty payment.*

(1) *Substantial damage to commercial aircraft.* If an accident causes substantial damage to a commercial aircraft, no entry or duty payment is required for any part of the wreckage.

(2) *Less than substantial damage and export.* If an accident does not cause substantial damage to a commercial aircraft, salvageable parts of the wrecked aircraft may be exported. In this circumstance, the aircraft, as a whole or in part, is not considered to be withdrawn from commercial use and is not subject to entry or to duty as imported merchandise.

(3) *Less than substantial damage and no export.* If an accident does not cause substantial damage to a commercial aircraft and the wrecked aircraft, or any salvageable part of it, is not exported, then:

(i) Entry is required to be made for the damaged aircraft or any salvageable part of it; and

(ii) A duty payment, if applicable, based on the condition of the aircraft following the accident, is required.

§ 122.53 Aircraft of foreign registry chartered or leased to U.S. air carriers.

Aircraft of foreign registry leased or chartered to a U.S. air carrier, while being operated by the U.S. air carrier under the provisions of the Federal Aviation Administration regulations (14 CFR 121.153), shall be treated as U.S. registered aircraft under this subpart.

§ 122.54 Aircraft of foreign registry.

(a) *Application.* For any commercial aircraft of foreign registry arriving in the U.S., the aircraft commander or agent shall file for a permit to proceed when the aircraft:

- (1) Is not an imported article; and
- (2) Is ferried (proceeds in ballast) from the airport of first arrival to one or more airports in the U.S. (For permit to proceed with residue cargo, passengers, or crewmembers for release in the U.S., see Subpart I of this Part).

(b) *Permit to proceed.* The permit to proceed shall be filed on Customs Form 7507 by the carrier or its agent. Customs Form 7509 may be used if the aircraft arrives directly from Canada on a flight beginning in Canada and ending in the U.S. Either form shall show the following information:

- (1) Type of aircraft;
- (2) Nationality and registration number of aircraft;
- (3) Name and country of aircraft manufacturer;
- (4) Name of aircraft commander;
- (5) Country from which aircraft arrived;
- (6) Name and location of airport where permit to proceed is given;
- (7) Date permit to proceed is given;
- (8) Name and location of airport to which aircraft is proceeding;
- (9) Purpose of stay in the U.S.;
- (10) Signature of Customs officer giving permit.

(c) *Permit on board.* The permit to proceed shall be kept on board the aircraft while in the U.S.

(d) *Intermediate airports.* For each airport at which the aircraft lands, the Customs officer, or airport manager if there is no Customs officer present, shall note on the permit:

- (1) The name and location of the airport;
- (2) The date and arrival time;
- (3) The purpose of the visit;
- (4) The name and location of the next airport to be visited; and
- (5) The date and time of departure.

(e) *Final airport.* The permit to proceed shall be given to the appropriate Customs officer at the airport of final clearance for a foreign destination. Before clearance is given, the Customs officer

shall make sure that the aircraft was properly inspected by Customs in the U.S.

(f) *Port of Issue.* The permit to proceed shall be returned after final clearance to the district director at the port where the permit was issued, to be kept on file.

(g) *Enforcement.* Once the permit to proceed has been issued for an aircraft, the district director at the port of issue must receive notice that the aircraft has made final clearance. If notice is not received within 60 days, the district director shall report the matter to the Customs agent in charge of the area for investigation.

SUBPART G—CLEARANCE OF AIRCRAFT AND PERMISSION TO DEPART

§ 122.61 Aircraft required to clear.

All aircraft, except public and private aircraft, leaving the U.S. for a foreign area are required to clear if:

(1) Carrying passengers and/or merchandise for hire; or

(2) Taking aboard or discharging passengers and/or merchandise for hire in a foreign area.

This includes any aircraft used by members of air travel clubs. Foreign aircraft traveling under a permit to proceed shall also clear.

§ 122.62 Aircraft not otherwise required to clear.

(a) *Bureau of the Census.* Under Bureau of the Census Regulations (15 CFR Part 30.1), aircraft not required to clear by § 122.61 shall obtain permission to depart if carrying merchandise from the U.S. to Puerto Rico or from Puerto Rico to the U.S.

(b) *Bureau of International Commerce.* Aircraft leaving the U.S. for a foreign area must be cleared by Customs if a validated license from the Office of Export Administration (Department of Commerce) is required for the aircraft under the Export Control Regulations (15 CFR Part 370). Aircraft are not required to clear if the Secretary of Commerce issues a permit allowing departure without clearance.

(c) *Department of State.* Aircraft not covered by Export Control Regulations are subject to the Department of State export licensing authority as set out in 22 CFR Parts 121, 123. Such aircraft may leave the U.S. only with the proper Department of State license.

§ 122.63 Scheduled airlines.

The aircraft commander or agent shall request clearance or permission to depart for aircraft covered by this subpart.

(a) *Clearance at other than airport of final departure.* Aircraft may clear at each airport where merchandise and/or passengers are taken on board for transport outside of the U.S. The clearance applies only to the merchandise and passengers boarding at each place. Clearance shall be requested at the Customs port of entry

(whether or not an international airport) nearest to the place where merchandise and/or passengers are taken on board.

(b) *Clearance at final departure airport.* Clearance or permission to depart may be requested at the Customs port of entry (whether or not an international airport) nearest the last departure airport, unless some other place is chosen by the district director.

§ 122.64 Other aircraft.

Clearance or permission to depart shall be requested for aircraft covered by this subpart by the aircraft commander or agent. The request must be made to the district director at the Customs port of entry (whether or not an international airport) nearest the final departure airport, unless some other place is designated by the district director.

§ 122.65 Failure to depart.

Once an aircraft has been cleared or given permission to depart, the aircraft commander or agent shall report to the district director if departure is delayed or cancelled. The report shall be made within 72 hours after the aircraft received clearance or permission to depart.

SUBPART H—DOCUMENTS REQUIRED FOR CLEARANCE AND PERMISSION TO DEPART

§ 122.71 Aircraft departing with no commercial export cargo.

(a) *Application.* This section applies to aircraft departing for foreign territory with no export cargo.

(1) Such aircraft may clear by telephone in advance with the district director nearest the departure place if departing empty or carrying only:

- (i) Passengers for hire; or
- (ii) Non-commercial cargo for which shipper's export declarations are not required.

(2) If not cleared by telephone, an air cargo manifest containing the following statement, signed by the aircraft commander or agent, shall be submitted to Customs:

I declare that there is no cargo on board this aircraft

Signed _____

(Aircraft Commander or Agent)

(b) *Timeliness.* The request for telephone clearance must be received by the Customs officer in charge with sufficient time remaining before departure to ensure that Customs may undertake any necessary examination of the aircraft and cargo.

(c) *Documentation.* When clearance is granted by telephone, the aircraft commander is not required to file the documents required by this subpart.

§ 122.72 Aircraft departing with commercial export cargo.

This section applies when an aircraft leaves the U.S. for any foreign area. An air cargo manifest and any required Shipper's Export Declarations shall be filed for all cargo on the aircraft, and for the aircraft itself if exported as merchandise. See § 122.79 for special requirements for shipments to U.S. possessions.

§ 122.73 Air cargo manifest.

(a) *Form.* The air cargo manifest shall be on Customs Form 7509, and shall show all information required. The following statement shall appear on the form:

I declare that all statements contained in this manifest, including the account of the cargo on board this aircraft, are complete, exact, and true to the best of my knowledge.

Signed _____

(Aircraft Commander or Agent)

(b) *Preparation and filing.* The aircraft commander or agent shall file two copies of the air cargo manifest with the district director of the departure airport. Three copies of the air cargo manifest shall be filed if the aircraft is covered by § 122.77(b). The air cargo manifest must be filed in:

(1) Complete form, with all required Shipper's Export Declarations (see § 122.75); or

(2) Incomplete form (pro forma) under § 122.74.

§ 122.74 Incomplete (pro forma) manifest.

(a) *Application.* Clearance or permission to depart may be given to an aircraft by the district director before a complete manifest or all required Shipper's Export Declarations have been filed, if a proper bond is filed.

(b) *Exceptions.* An incomplete manifest will not be accepted:

(1) During any time covered by a proclamation of the President that a state of war exists between foreign nations; or

(2) If the aircraft is departing on a flight from the U.S. directly or indirectly to a foreign area in the country groups listed W, Y, or Z in the Export Regulations of the Bureau of International Commerce (15 CFR Part 370, Supplement No. 1).

In both cases, a complete air cargo manifest and all required Shipper's Export Declarations shall be filed with the district director before the aircraft will be cleared.

(c) *Filing under bond.* An incomplete set of documents may be filed only when accompanied by the proper bond. Under the bond, a complete set of documents shall be filed within whichever of the following time periods is appropriate:

(1) *Shipments to foreign countries.* All required Shipper's Export Declarations and a complete air cargo manifest shall be filed by the airline not later than the fourth business day after clearance (when clearance is required) or departure (when clearance is not required) of the aircraft.

(2) *Shipments to and from Puerto Rico.* For shipments between the U.S. and Puerto Rico, the complete manifest (when required) and all Shipper's Export Declarations shall be filed by the airline not later than the seventh business day after departure.

(3) *Shipments to U.S. Possessions.* For shipments between the U.S. or Puerto Rico and possessions of the U.S., a complete manifest and all required Shipper's Export Declarations shall be filed by the airline not later than the seventh business day after departure. See § 122.79.

(d) *Declaration required.* A declaration shall be made on the incomplete manifest that:

(1) All required documents will be filed within the four-day bond period; or

(2) All required documents will be filed within the seven-day bond period.

Once all documents have been filed, a statement as required by § 122.75(b) shall be made.

§122.75 Complete manifest.

(a) *Contents.* A complete air cargo manifest shall list all cargo laden, and show for each item the air waybill number, or marks and numbers on packages and the type of goods carried. When an item does not require a Shipper's Export Declaration, it shall be noted on the air cargo manifest.

(1) *Shipments on an air waybill.* A copy of each air waybill on which shipments are listed may be attached to the air cargo manifest, and the number of the air waybill may be listed on the air cargo manifest. The statement "Cargo as per Air Waybill Attached" must appear on the air cargo manifest when this is done.

(2) *Direct departure.* This subsection applies only to direct departures of shipments requiring a Shipper's Export Declaration. A copy of each declaration may be attached to the air cargo manifest, and the number of each declaration shall be listed on the air cargo manifest in the column for air waybill numbers. The statement "Cargo as per Export Declarations Attached" must appear on the manifest when this is done.

(b) *Statement required.* When all required documents are ready for filing, the following statement must appear on the air cargo manifest or on the general declaration form when an air cargo manifest is not required:

"Attached Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried in this flight except that listed on the cargo manifest."

When an incomplete set of documents has been filed and is later completed, the following statement shall accompany the Shipper's Export Declarations and any required air cargo manifests:

"Attached Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried

on aircraft No. ———, Flight No. ——— cleared direct for ———, on ——— except cargo listed on any cargo manifest required to be filed for such flight."

Airline _____
Authorized Agent _____

§ 122.76 Shipper's Export Declarations and inspection certificates.

At the time of clearance, the aircraft commander or agent shall file with the district director at the departure airport any Shipper's Export Declarations required by the Bureau of Census (see § 122.62(a)). The aircraft commander or authorized agent also shall deliver a proper export inspection certificate issued by the Veterinary Service, Animal and Plant Inspection Service, Department of Agriculture (9 CFR Part 91), to the Customs officer in charge at the time of departure of any aircraft carrying horses, mules, asses, cattle, sheep, swine or goats.

§ 122.77 Clearance certificate.

(a) *Aircraft departing from the U.S.* One copy of the air cargo manifest shall be used as a clearance certificate when endorsed by the district director to show that clearance is granted.

(b) *Scheduled aircraft.* When a scheduled aircraft clears at an airport which is not the airport at or nearest the place of final take-off from the U.S., two copies of the air cargo manifest shall be filed. One copy shall be used as a clearance certificate when endorsed at the port by the district director at the port where clearance is obtained, and the second copy shall be attached to the first for use at later U.S. ports.

§ 122.78 Entry or withdrawal for exportation or for transportation and exportation.

When a shipment is exported under an entry or withdrawal for exportation, or for transportation and exportation, the air cargo manifest, the air waybill, or the consignment note attached to the manifest shall clearly show for each entry or withdrawal the:

- (a) Number;
- (b) Date; and
- (c) Class of entry or withdrawal, as follows:
 - (1) Transportation and exportation;
 - (2) Withdrawal for transportation and exportation;
 - (3) Immediate exportation;
 - (4) Withdrawal for exportation; or
 - (5) Withdrawal for transportation.

The name of the port where the entry or withdrawal was filed, if not the port where the merchandise is laden for exportation, shall also appear on the air cargo manifest.

§ 122.79 Shipments to U.S. possessions.

(a) *Other than Puerto Rico.* An air cargo manifest shall be filed for aircraft transporting cargo between the U.S. and U.S. possessions. Shipper's Export declarations are not required for shipments from the U.S. or Puerto Rico to the U.S. possessions, except to the U.S. Virgin Islands or from a U.S. possession and destined to the U.S., Puerto Rico or another U.S. possession.

(b) *Puerto Rico.* This subsection applies when an aircraft carries merchandise on a direct flight between the U.S. and Puerto Rico. If the requirements contained in Subpart I, Residue Cargo Procedures, have been satisfied, an air cargo manifest is required only for:

(1) Merchandise transported as cargo for which a Shipper's Export Declaration is not required; or

(2) Cargo for which a Shipper's Export Declaration cannot be filed on time. (See 15 CFR 30.21).

Any required air cargo manifest or Shipper's Export Declarations shall be filed with the district director at the departure place.

§ 122.80 Verification of statement.

Customs officers may verify any of the statements required under this subpart by examining the shipping records of the airline involved.

SUBPART I—RESIDUE CARGO PROCEDURES

§ 122.81 Application.

(a) *Aircraft arriving with cargo.* Aircraft arriving in the U.S. from a foreign area with cargo, shown on the manifest to be traveling to other airports in the U.S. or foreign areas, may proceed under the provisions of this Subpart.

(b) *Aircraft arriving with no cargo.* Aircraft arriving in the U.S. from a foreign area with no cargo on board, and requesting immediate clearance, may proceed if a bond on Customs Form 301, containing the bond conditions set forth in Subpart G of Part 113 of this chapter, has been filed and covers the aircraft.

§ 122.82 Bond requirements.

A bond on Customs Form 306 containing the bond provisions set forth in Subpart G of Part 113 of this chapter, shall be filed before an aircraft is given a permit to proceed with residue cargo under this subpart. The bond shall be filed in the correct amount with the district director at the entry airport.

(a) *Traveling general declaration and manifest.* When applying for clearance from an airport or place of entry in the U.S., the aircraft commander or agent shall file a traveling general declaration and manifest. The traveling general declaration and manifest is one certified copy of the original inward general declaration, and

each air cargo manifest required when the aircraft entered. This includes air waybills that were part of the manifest.

(b) *Attachments to traveling general declaration and manifest.* (1) *Crew purchase and stores list.* The crew purchase and stores list, if required when the aircraft enters under §§ 122.46 and 122.47, shall be attached to the traveling general declaration and manifest.

(2) *Crew purchases not listed on a crew purchase list.* A crew member's declaration shall be attached to the traveling general declaration and manifest if:

(i) Crew purchases are listed on a crew declaration, Customs Form 5129, instead of on the crew purchase list, under § 122.46(c)(2); and

(ii) The crew member has not left the airport with his or her purchases at the first entry port.

The crew member's declaration must be attached at the port where the articles listed on the declaration receive clearance.

(c) *Abstract general declaration and manifest.* The abstract general declaration and manifest is one copy of the general declaration, and one copy of each manifest (including air waybills) covering residue cargo:

(1) Not yet cleared by Customs or other Federal agency; and

(2) To be discharged at another domestic or foreign airport.

An abstract general declaration and manifest need not be filed at the last domestic port of discharge.

(d) *Permit to proceed.* A permit to proceed from one domestic airport to another shall be filed by the aircraft commander or agent with the Customs officer in charge at the clearance airport. The permit to proceed shall include a declaration by the aircraft commander or agent, which shall be signed on entry at the next domestic airport. The permit to proceed and declaration shall state substantially the following:

Permit To Proceed From One Airport to Another

Airport of Departure _____

Date _____

Permission is hereby given aircraft _____ to proceed to (Next Domestic Airport) _____.

The aircraft which has arrived from and is destined to the places shown in the general declaration, is proceeding to such places of destination to discharge residue cargo, passengers, or crew members and their purchases, as listed in the attached manifest. Bond was given at the airport of arrival for the cargo retained on board. Items of cargo manifested for delivery at this airport appear to have been landed. Number of crew members not cleared by Public Health Service for: Quarantine _____; medical examination of aliens _____. Number of passengers not cleared by Public Health Service for: Quarantine _____; medical examination of aliens _____. Number of crew members not cleared by Customs _____.

Number of passengers not cleared by Customs ———. Number of pieces of cargo not cleared ———.

(Customs Officer and Title)_____

Declaration on Entry of Aircraft at Following Airport

Airport of Arrival _____

Date _____

I, _____, commander or authorized agent of the aircraft identified in this document, declare and guarantee that there were not, when such aircraft departed from the airport of _____, nor have been since, nor now are, any more or other goods, wares, or merchandise on board than was stated in the attached manifests.

(Signature and Title)_____

The permit to proceed and declaration must be stamped, mimeographed or printed on:

- (1) The abstract general declaration;
- (2) The traveling general declaration when an abstract general declaration is not required; or
- (3) A separate sheet of paper.

(e) *Permit to proceed for nonscheduled aircraft.* For each permit to proceed issued to a nonscheduled aircraft carrying residue cargo, a numbered Customs Form 7512-C shall be filled out and filed. The number on the form shall be placed in the upper right hand corner of the permit to proceed. The original copy of Customs Form 7512-C shall be forwarded to the Data Center by the issuing port and the duplicate must be attached to the permit and given to the aircraft commander. When the aircraft arrives at the final port, the aircraft commander shall deliver the permit to proceed and Customs Form 7512-C (duplicate) to Customs.

(f) *Use of form.* When all of the documents required by this section are in order, the permit to proceed shall be dated and signed by the appropriate Customs officer at the clearance airport. One copy of the permit to proceed shall be delivered to the aircraft commander or agent with the other required documents, for filing at the next international airport.

§ 122.84 Intermediate airport.

(a) *Application.* The provisions of this section apply at any U.S. airport to which an aircraft proceeds with residue cargo, and passengers, or crewmembers and their purchases not cleared by Customs. They do not apply to aircraft arriving at the last domestic port of discharge.

(b) *Entry.* When an aircraft arrives at the next airport, the aircraft commander or agent shall make entry by filing the:

- (1) Abstract general declaration and manifest;
- (2) Traveling general declaration and manifest; and
- (3) Permit to proceed.

The Declaration on Entry of Aircraft at Following Airport, found on the permit to proceed, shall be properly signed before filing for entry.

(c) *Crew declarations.* The declarations and entries, Customs Form 5129, of any crewmembers who leave the aircraft with their purchases at the intermediate airport shall be detached from the traveling general manifest. The declaration and entries are to be detached by the appropriate Customs officer and are kept at the airport.

(d) *Departure.* When the aircraft leaves an intermediate airport carrying residue cargo, and passengers or crewmembers and their purchases are not yet cleared by Customs or an other interested Federal agency, the procedure is the same as at the first arrival airport. All documents required by this section, except those detached under § 122.84(c), shall be returned to the aircraft commander or agent for filing at the next entry airport.

§ 122.85 Final airport.

When an aircraft enters at the last domestic airport of discharge, the traveling general declaration and manifest shall be filed with Customs and kept at the airport. No abstract general declaration and manifest is required.

§ 122.86 Substitution of aircraft.

(a) *Application.* The residue cargo procedure applies when an airline must substitute aircraft to reach a destination due to weather conditions or operational factors.

(b) *Clearance and entry.* Clearance and entry of substitute aircraft is required as provided in this subpart for other aircraft.

(c) *Identification.* An identification of all substitute aircraft shall be clearly made on all clearance and entry documents.

(d) *Transporting cargo.* (1) *Forwarding.* The carrier may forward all cargo which arrived on one aircraft by transferring it to another aircraft of the same airline to complete the inbound flight. The transfer shall be done under Customs supervision.

(2) *Conditions.* All of the residue cargo from more than one inbound flight of an airline may be laden on one substitute aircraft of the airline. The substitute aircraft shall finish the inbound transport of the residue cargo. No other cargo may be laden on the substitute aircraft.

§ 122.87 Other statutes.

Section 4.85 of this Chapter, relating to vessels with residue cargo for domestic ports, applies to aircraft residue cargo, except as stated in this subpart.

SUBPART J—TRANSPORTATION IN BOND AND MERCHANDISE IN
TRANSIT

§ 122.91 Application.

This subpart applies to the transportation in bond of merchandise arriving in the U.S. by aircraft and entered:

- (a) For immediate transportation to another airport without appraisalment; or
- (b) For transportation through the U.S. and later exportation by aircraft.

§ 122.92 Procedure at port of origin.

(a) *Forms required.* (1) *Customs Form 7512.* Customs Form 7512 shall be used for both entry and manifest. Three copies of the form are required at the port of origin for merchandise for immediate transportation without appraisalment. Four copies of the form are required when merchandise for transportation and exportation is entered. (See also, §§ 18.11 and 18.20(a) of this chapter). Each copy shall be signed by the carrier or agent.

(2) *Customs Form 7512-C.* The "Origin" copy of Customs Form 7512-C shall be filed with Customs Form 7512. It shall be dated and its number and date shall be placed on all copies of Customs Form 7512.

(b) *Delivery of Customs form to carrier.* (1) *Merchandise entered for immediate transportation without appraisalment.* When merchandise is entered for immediate transportation without appraisalment, two copies of Customs Form 7512, and the duplicate copy of Customs Form 7512-C shall be delivered to the carrier.

(2) *Merchandise entered for transportation and exportation.* When merchandise is entered for transportation and exportation, one copy of Customs Form 7512 and one copy of Customs Form 7512-C shall be delivered to the carrier.

(3) *After delivery.* Once the forms are delivered, they shall accompany the merchandise to the port of destination or exportation.

(c) *Receipt and supervision.* The agent of a bonded air carrier shall give a receipt for any merchandise delivered to it for transportation in bond.

(d) *Split shipment.* (1) *Departure within 24 hours.* Merchandise covered by a single entry and manifest (Customs Form 7512) may be sent to the destination airport on one or more aircraft. A separate manifest for each aircraft is not required if the whole shipment is sent within a single 24-hour period.

(2) *Departure not within 24 hours.* When any part of a shipment is sent more than 24 hours after the first part was sent, the entry and manifest copy which accompanies the first shipment shall state that the rest of the shipment will follow by separate aircraft. A single manifest shall be prepared for each part of the shipment sent by separate aircraft. The manifest shall be used as notice of each arrival at the destination airport.

(e) *Transshipment.* Merchandise sent under bond may be transferred at an intermediate airport to one or more aircraft of the same airline. This may be done without Customs supervision and notice of the transfer is not required. When merchandise covered by one entry and manifest is transferred to more than one aircraft, paragraph (d) of this section applies.

(f) *Sealing not required.* The sealing of aircraft, aircraft compartments carrying bonded merchandise, or the cording and sealing of bonded packages carried by the aircraft, is not required.

(g) *Warning labels.* The carrier shall supply and attach the warning label, as described in § 18.4(e) of this chapter, to each bonded package.

§ 122.93 Procedure at destination or exportation airport.

(a) *Delivery to district director.* When a bonded shipment arrives at the destination airport, the aircraft commander or agent shall deliver one copy of the entry and manifest (Customs Form 7512) covering the shipment to the district director of that airport as notice of arrival. If the shipment was sent by separate aircraft more than 24 hours after the first part of the shipment was sent, then a manifest for each part of the shipment shall be delivered to the district director.

(b) *Delivery to consignee.* When the merchandise is sent under an entry for immediate transportation without appraisal, one copy of the manifest covering the merchandise shall be delivered by the carrier to the consignee. This copy is used to make entry, and may also be used as a carrier certificate as provided in § 141.11(a)(4) of this chapter.

§ 122.94 Certificate of lading for exportation.

(a) *Required filing.* This section applies to merchandise entered for transportation and exportation by aircraft. A certificate of lading for exportation, Customs Form 7512 (see § 122.93 of subpart J) or Customs Form 7520 shall be filed when the merchandise reaches the final departure airport. Either form shall be filled out and signed at the place where aircraft clearance for the merchandise is given. Customs Form 7512-C (duplicate) shall also be submitted at this time.

(b) *Clearance not at place of final departure.* Whenever an aircraft is cleared at a place other than the place of final departure from the U.S., the aircraft commander or agent shall:

(1) Promptly report arrival of any bonded merchandise for export to the Customs officer in charge at that place; and

(2) Submit to the Customs officer in charge the certificate received at the place the merchandise was taken on board. The clearance certificate is kept by the Customs officer in charge until departure.

This procedure shall be followed at each place of landing before final departure.

§ 122.95 Other provisions.

Part 18 of this chapter (Transportation in Bond and Merchandise in Transit) applies to the transportation of merchandise under this subpart unless stated otherwise.

SUBPART K—ACCOMPANIED BAGGAGE IN TRANSIT

§ 122.101 Entry of accompanied baggage.

Passengers who enter the U.S. on one aircraft and depart to a foreign area on another aircraft with accompanying baggage shall either:

- (a) Submit their baggage to Customs for inspection; or
- (b) Arrange with the importing carrier for the baggage to be processed under regular in transit procedures. When passengers choose not to have access to their baggage while in the U.S., the baggage shall be listed on the Air Cargo Manifest as provided in § 122.48 of this chapter.

§ 122.102 Inspection of baggage in transit.

(a) General baggage in transit may be inspected upon arrival, while in transit, and upon exportation. Carriers shall present in-transit baggage for inspection at any time found necessary by the district director.

(b) *Before delivery to passenger.* In-transit baggage shall be presented to a Customs officer for inspection and clearance before the baggage can be delivered to a passenger while in the U.S.

SUBPART L—TRANSIT AIR CARGO MANIFEST (TACM) PROCEDURES

§ 122.111 Application.

Cargo (including manifested baggage) which arrives and is transported under Customs control in, through or from the U.S. may be transported in bond under this subpart. If cargo is not transported under this subpart, it shall be transported under other provisions of this chapter. (See Subparts I and J of this Part, and Parts 18 and 123 of this Chapter).

§ 122.112 Definitions.

The following definitions apply in this subpart:

(a) *Transit air cargo.* "Transit air cargo" is cargo, including manifested baggage, transported under the requirements of this subpart;

(b) *Port of arrival.* The "port of arrival" is the port in the U.S. where imported cargo must be documented for further transportation under this subpart;

(c) *Transfer or transferred.* "Transfer or transferred" means the document change of cargo to transit air cargo for transportation. The terms also include the physical movement of the cargo from one carrier to another, and thereafter by air or surface movement to the port of destination;

(d) *Transit air cargo manifest.* "Transit air cargo manifest" is used in this subpart as the shortened title for the transportation entry and transit air cargo manifest.

§ 122.113 Form for transit air cargo manifest procedures.

A manifest on Customs Form 7509 is required to transport cargo as transit air cargo. The words "Transportation Entry and Transit Air Cargo Manifest" shall be printed, stamped or marked on the form and on all copies of the form required for transit air cargo movement.

§ 122.114 Contents.

(a) *Form duplicates original manifest.* Each transit air cargo manifest shall be a duplicate of the sheet presented as part of the cargo manifest for the aircraft on which the cargo arrived in the U.S.

(b) *Number of shipments shown on manifest.* (1) *Shipments from one country.* Each transit air cargo manifest sheet may list:

(i) Only air cargo shipments from one exporting country, with the name shown in the heading; or

(ii) The name of the exportation country for each shipment, shown in the "Nature of Goods" column.

(2) *Shipment to the same port.* A single transit air cargo manifest may list only those shipments manifested at the port of arrival for:

(i) The same Customs port of destination;

(ii) The same Customs port for later exportation; or

(iii) Direct exportation from the port of arrival.

(c) *Information required.* Each air cargo manifest sheet shall show:

(1) The foreign port of lading;

(2) The date the aircraft arrived at the port of arrival;

(3) Each U.S. port where Customs services will be necessary due to transit air cargo procedures; and

(4) The final port of destination in the U.S., or the foreign country of destination, for each shipment. The foreign country destination shown on the manifest must be the final destination, as shown by airline shipping documents, even though airline transport may be scheduled to end before the shipment arrives at the final destination.

(d) *Number of copies.* The transit air cargo manifest shall be supplied as follows:

(1) Three copies for transit air cargo exported directly from the port of arrival;

(2) Four copies for transit air cargo moving from the port of arrival to a port of destination in the U.S.; and

(3) Five copies for transit air cargo moving from the port of arrival to another U.S. port for exportation.

(e) *Corrections.* When corrections in the route shown on the original manifest for the cargo are required at the port of arrival to

make a manifest sheet workable as a transit air cargo manifest, the district director at the port of arrival may allow the corrections.

§ 122.115 Labeling of cargo.

A warning label, as required by § 18.4(e) of this chapter, shall be attached to all transit air cargo not directly exported from the port of arrival, before the cargo leaves the port of arrival.

§ 122.116 Identification of manifest sheets.

When the original cargo manifest for the aircraft on which the cargo arrives is presented by the aircraft commander or agent at the port of arrival, a manifest number will be given to the aircraft entry documents by Customs. The number given shall be used by the airline to identify all copies of the transit air cargo manifest. All copies of the manifest shall be correctly numbered before cargo will be released from the port of arrival as transit air cargo.

§ 122.117 Requirements for transit air cargo transport.

(a) *Transportation.* (1) *Port to port.* Transit air cargo may be carried to another port only when a receipt is given, as provided in § 122.117(b). The receipt may be given only by an airline which:

(i) Is a common carrier for the transportation of bonded merchandise; and

(ii) Has the required Customs bond on file.

(2) *Exportation from port of arrival.* Transit air cargo may be exported from the port of arrival only when covered by a bond on Customs Form 301, containing the bond conditions set forth in subpart G of Part 113 of this chapter, as provided in § 18.25 of this Chapter.

(b) *Receipt.* (1) *Requirements.* When air cargo is to move from the port of arrival as transit air cargo, a receipt shall be given. The receipt shall be made by the airline responsible for transport or export within the lay order period, or by an authorized extension period (see § 4.37 of this chapter).

(2) *Contents.* The receipt shall appear on each copy of the transit air cargo manifest, clearly signed and dated if required, in the following form:

Received the cargo listed herein for delivery to Customs at the port of destination or exportation shown above, or for direct exportation.

Name of Carrier (or Exporter) _____

Attorney or Agent of Carrier (or Exporter) _____

Date _____

(c) *Responsibility for transit air cargo.* (1) *Direct exportation.* The responsibility of the airline exporting transit air cargo for direct exportation begins when a receipt, as provided in § 122.117(b), is presented to Customs.

(2) *Other than direct exportation.* When the transit air cargo is not for direct exportation, the responsibility of the airline receiving the cargo begins when a receipt, as provided in § 122.117(b), is presented to Customs.

(3) *Carting.* When carting is used to deliver transit air cargo to receiving airlines, the importing airline is responsible for the cargo under its own bond until a receipt is filed by the receiving airline. This does not apply when the carting is done under Part 112 of this chapter, at the expense of the parties involved.

(4) *Importing airlines.* An importing airline which has qualified as a carrier of bonded merchandise, whether registered in the U.S. or a foreign area, may:

(A) Give a receipt for the air cargo;

(B) File an appropriate bond; and

(C) Deliver the cargo to an authorized domestic carrier for in-bond transportation from the port of arrival. The importing carrier's bond covers the transportation.

(d) *Split shipments.* A receipt shall be given by one airline for all of the cargo shipments listed on one transit air cargo manifest sheet. Cargo shipments so listed shall be transported from the port of arrival on one aircraft or carrier unless the use of more than one aircraft or carrier would be allowed:

(1) By § 122.92(d) under a single combined entry and manifest;

(2) By § 122.118(d); or

(3) By § 122.119(e), permitting the use of a surface carrier for transport.

Otherwise, all shipments on the transit air cargo manifest shall be separately documented and transported under the regular procedures for transportation of merchandise in bond (See Subpart J).

§ 122.118 Exportation from port of arrival.

(a) *Application.* Transit air cargo may be transferred for exportation from any port of arrival under this section. The district director may require any supervision necessary to enforce the regulations of other Federal agencies.

(b) *Time.* Transit air cargo shall be exported from the port of arrival within 10 days from the date the exporting airline receives the cargo.

(c) *Transit air cargo manifest copies.* Three copies of the transit air cargo manifest shall be filed with Customs.

(1) *Review copy.* The importing airline shall file a copy of each transit air cargo manifest sheet covering any cargo shipment that will be transferred for direct exportation. This filing shall be made as soon as the exporting airline has been chosen. The exporting airline need not give receipt of the review copy for the cargo to be transferred, but the name of the exporting airline shall be placed on the copy.

(2) *Exportation copy.* The exportation copy shall be filed by the exporting airline when clearance documents are presented to Customs.

(3) *Clearance copy.* The clearance copy shall be filed with the exporting aircraft's clearance documents.

The exportation and clearance copies shall show the exporting aircraft's receipt for the cargo, number, flight number, and the date.

(d) *Direct export on different aircraft.* Transit air cargo shipments which are listed on one aircraft transit air cargo manifest sheet may be directly exported on different aircraft of the exporting airline. When this occurs, an additional copy of the transit air cargo manifest shall be filed for each shipment or group of shipments transported in other aircraft. Each copy of the transit air cargo manifest shall be clearly marked to show which shipment or shipments listed are covered by the manifest copy.

(e) *Direct export by another airline.* When shipments listed on one transit air cargo manifest sheet are not exported from the same port on the same airline, separate export entries on Customs Form 7512, as required by § 18.25 of this chapter, shall be filed.

(f) *Post entered air cargo.* Air cargo not listed on the manifest (i.e., overages) which has been port entered under § 122.49(b) may be exported from the port of origin under this subpart. Four copies of the air cargo manifest, Customs Form 7509, marked "Post Entry", shall be provided. All requirements of § 122.44(b) and of this section shall be followed in using this procedure.

(g) *Review.* The review copy of the transit air cargo manifest sheets must be reviewed by Customs as required for the carrier manifest copy in § 122.120(g). The reviewing officer shall take the proper action if a license is necessary for any cargo. The exporting airline shall be notified that any transit air cargo which is not covered by the required license must be placed under constructive Customs custody in a special area of the airline's terminal until the license is obtained.

§ 122.119 Transportation to another U.S. airport.

(a) *Application.* Air cargo shipments may be transferred for transportation as transit air cargo from the port of arrival to another port in the U.S. under this section. The district director of the port of arrival may require Customs supervision of the transfer.

(b) *Time.* Transit air cargo traveling to a final port of destination in the U.S. shall be delivered to Customs at its destination within 15 days from the date the receiving airline gives the receipt for the cargo at the port of arrival.

(c) *Transit air cargo manifest copies.* Three copies of the transit air cargo manifest, and two copies of Customs Form 7512-C (original and duplicate) shall be filed by the airline giving a receipt for moving the cargo shipments to destination.

(1) *Permit copy.* This copy is used and kept by Customs at the port of arrival.

(2) *Customs Form 7512-C (duplicate).* This copy accompanies the transit air cargo to the port of destination.

(d) *Failure to deliver on time.* (1) *Procedure.* If transit air cargo does not arrive at the destination port on time, the district director at the port of arrival shall take action as provided in §§ 18.6 and 18.8 of this chapter. When Customs Form 3861 is used by the district director for reporting, the amount of duty or tax due shall not be indicated on the form when the amount is uncertain. Instead, the amount of tax and duty shall be decided at the port of arrival on the basis of information:

(A) On Customs Form 3861;

(B) On the permit copy kept at the port of arrival; and

(C) Obtained from the carriers as necessary. The district director at the port of arrival shall notify the airline that gave a receipt for the cargo that there has been a failure to deliver.

(2) *Responsibility of airline.* When the airline that gave a receipt for the cargo receives notice of discrepancies, the airline shall answer within 90 days of the date of such notice to the district director at the port of arrival. The answer shall provide any information or documents related to the value and description of the cargo involved that the receipting airline and the importing airline can produce.

(e) *Port of arrival to port of destination.* When an aircraft arrives at the port of arrival with cargo to be carried as transit air cargo, the cargo may be transferred to another carrier for surface movement to the port of destination. The transfer is allowed under the following conditions:

(1) The importing airline's bond must cover the transfer and surface movement;

(2) The description of the cargo on the transit air cargo manifest must be complete;

(3) The entire shipment listed in the transit air cargo manifest must be shipped from the port of arrival to the port of destination by the same surface movement; and

(4) § 122.114(b) must be followed.

§ 122.120 Transportation to another port for exportation.

(a) *Application.* Air cargo may be transferred as transit air cargo at the port of arrival for transportation to another port in the U.S. and later exportation under this section.

(b) *Supervision.* (1) *From port of arrival to exportation port.* The district director at the port of arrival may order any supervision found necessary for the transfer of transit air cargo for transportation to another port for export.

(2) *At exportation port.* Customs shall be notified far enough in advance to be able to make any required supervision of the lading

of cargo, and any other Federal agency checks, when transit air cargo is ready for lading on the exporting aircraft.

(c) *Time.* Transit air cargo covered by this section shall be delivered to Customs at the port of exportation within 15 days from the date of receipt by the forwarding airline.

(d) *Transit air cargo manifest copies.* Five copies of the transit air cargo manifest and a Customs Form 7512-C (original and duplicate) shall be filed with Customs.

(1) *Port of arrival.* Two copies of the transit air cargo manifest, marked separately as "permit" and "control" copies, and Customs Form 7512-C (original) shall be filed with Customs at the port of arrival. Filing shall be made when the arriving aircraft enters, or before the lay order period ends, by the airline which gives receipt to transport the cargo from the port of arrival to the port of destination.

(2) *Port of exportation.* Three copies of the transit air cargo manifest shall be filed at the port of exportation.

(A) *Carrier manifest copy.* The carrier manifest copy shall be attached to the listing of cargo shipments and submitted when the cargo arrives at the exportation port.

(B) *Exportation and clearance copies.* Two copies, marked separately as "exportation" and "clearance" copies, shall be filed with Customs at the exportation port.

(e) *Delivery to exporting airline.* When the transit air cargo arrives at the exportation port, it may be delivered directly to the exporting carrier, together with the exportation and clearance copies. The name of the exporting carrier shall be clearly noted on the carrier manifest copy, which shall be delivered to Customs.

(f) *Storage by exporting airline.* The exporting carrier shall keep all cargo listed on the transit air cargo manifest in one storage space. This storage space shall be separate from the area in which special shipments which require a license under § 122.120(g) are stored.

(g) *Export license.* (1) *Review.* The Customs officer shall review the carrier manifest copy of the transit air cargo manifest to make sure that the export licensing requirements of other Federal agencies have been followed.

(2) *Information Inadequate.* If the manifest information is not enough for Customs to determine that a license or other requirement applies, then the transit air cargo shall be checked by examination, or by inspection of the air waybills or attached invoices.

(3) *When License or Other Requirement Applies.* The exporting airline shall be notified at once if Customs finds that the shipment cannot be exported without a license or other approval. The shipment shall then be put under constructive Customs custody in a special area set aside for the shipment in the exporting airline's cargo terminal.

(h) *Filing of exportation and clearance copies.* (1) *Information.* When filed with Customs, the exportation and clearance copies of the transit air cargo manifest shall each show the aircraft:

- (A) Number;
- (B) Flight number; and
- (C) The date.

(2) *Filing.* The exporting airline shall file the exportation and clearance copies before the aircraft that carries the transit air cargo departs. The clearance copies shall be grouped together and not mixed in with other outward manifest sheets. The exportation copies shall be grouped together, and kept separate from the outward clearance documents.

(i) *Cargo not laden at same airport by same airline.* (1) *Procedure.* If all the cargo listed on one transit air cargo manifest sheet is not laden for exportation from the same U.S. airport by the same airline, then separate entries on Customs Forms 7512 and 7512-C are required for each cargo shipment listed:

(A) For transportation and exportation under Subpart J of this part; or

(B) For direct exportation under § 18.25 of this chapter.

(j) *Cargo laden on more than one aircraft of same airline.* When any cargo shipment listed on the same transit air cargo manifest must be exported on more than one aircraft of the same airline, § 122.118(d) applies.

(k) *Failure to deliver.* If all or part of the cargo listed on the transit air cargo manifest is not accounted for with an exportation copy within 40 days, the district director at the port of arrival shall take action as provided in § 122.119(d).

SUBPART M—AIRCRAFT LIQUOR KITS

§ 122.131 Application.

(a) *Liquor and tobacco.* Subpart M applies to:

- (1) Duty-free and tax-free liquor and tobacco; and
- (2) Duty-paid and tax-paid liquor and tobacco which has been placed in the same liquor kit as duty-free and tax-free liquor and tobacco.

(b) *Aircraft.* Subpart M applies to all commercial aircraft on domestic or foreign flights operating into, from and between U.S. airports, which are carrying: (1) duty-free and tax-free liquor and tobacco withdrawn from bond under § 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309); or

(2) Other liquor or tobacco on which duty or taxes have not been paid.

This includes any aircraft carrying duty-free and tax-free liquor under 19 U.S.C. 1309, or other Federal law, although the aircraft is not required to enter, clear or report arrival.

§ 122.132 Sealing of aircraft liquor kits.

(a) *Sealing Required.* Aircraft liquor kits shall be sealed on board the aircraft by crewmembers before the aircraft lands in the U.S. The liquor kits shall be kept under seal while on the ground unless taken to an authorized airline in-bond liquor storeroom.

(b) *Exception.* When an aircraft is traveling between airports in the U.S., in a trade for which duty-free and tax-free liquor is used during flight, sealing the liquor kits on board during transporting stopovers is not required if:

(1) The liquor kits are kept on board the aircraft; and

(2) The district director finds that sealing is not required for revenue protection.

(c) *Seals to be used.* Aircraft liquor kits shall be sealed with U.S. Customs serially numbered, orange colored, button-type seals, or other approved seals. The airline shall use seals supplied by an approved manufacturer, as provided in Part 24 of this chapter. A small number of seals may be obtained from the district director.

(d) *Removing seals.* When sealed liquor kits are on board any aircraft that is on the ground, the Customs seals may be broken only by:

(1) A customs officers; or

(2) Authorized airline personnel, in an authorized airline in-bond liquor storeroom.

(e) *Resealing.* When a Customs officer breaks the seal of a liquor kit to check the contents, the action shall be recorded on the liquor kit stores list, and the liquor kit must be resealed with an uncolored button seal.

§ 122.133 Stores list required on arrival.

(a) *When required, contents.* Three copies of an incoming stores list shall be prepared for each liquor kit on board before an aircraft lands. The incoming stores shall state for each type of liquor and bottle size the:

(1) Number of full bottles;

(2) Number of partially filled bottles; and

(3) Total number of bottles.

If the carrier chooses not to state the type of liquor for each size bottle, any duty or taxes assessed for any shortage shall be set at the highest rate available for the alcoholic beverages in the kit.

(b) *Disposition of stores list copies.* One copy of the incoming stores list shall be placed in the liquor kit before it is sealed. The remaining two copies shall be used as follows:

(1) One copy of the stores list shall be filed with the inward cargo manifest; and

(2) One copy shall be kept for filing with the outward cargo manifest if the liquor kit was laden for export.

(c) *For aircraft not required to enter and/or clear.* If an aircraft is not required to enter and/or clear:

(1) One copy of the stores list shall be given to the Customs officer upon arrival; and

(2) One copy shall be kept to be given to the Customs officer before departure of the aircraft.

(d) *When stores list not prepared.* When a complete stores list is not prepared before landing, liquor kits must be sealed on board, and the seal number shall be recorded on the stores list. When the aircraft lands, the liquor shall be taken at once to the Customs office and the stores list shall be completed by crew members under Customs supervision.

§ 122.134 When airline does not have in-bond liquor storeroom

(a) *Handling of liquor kits.* An aircraft may land at an airport where the airline involved does not have an authorized in-bond liquor storeroom. When this occurs, the liquor kits, under any supervision found necessary by the district director, may be:

(1) kept on board the aircraft;

(2) removed and replaced upon the aircraft, or

(3) removed and replaced aboard another aircraft.

(b) *Sealing of kits.* Aircraft liquor kits covered by this section shall remain sealed until departure. Customs officers may remove the seal to check the contents of the liquor kits, but shall reseal the kits as provided in § 122.132(e).

(c) *Restocking.* Additional amounts of duty-free and tax-free liquor and tobacco obtained in the U.S. shall be laden in a separate container on any aircraft covered by § 122.134. The lading shall be done under any supervision the district director finds necessary. The additional liquor and tobacco shall be shown on separate outward stores lists.

§ 122.135 When airline does have in-bond liquor storeroom.

(a) *Restocking.* Liquor kits on board the aircraft landing at an airport where the airline involved has an authorized in-bond liquor storeroom may be restocked in the storeroom.

(b) *Inventory record.* Each authorized airline in-bond liquor storeroom shall keep an inventory record in a form that satisfies the district director. The inventory record shall account for the receipt and use of all aircraft liquor and tobacco stores on which duty and/or tax has not been paid.

(c) *Airline employees.* Any airline which has an authorized in-bond liquor storeroom at an airport shall give the district director;

(1) A list of names of all airline employees authorized to break Customs seals on liquor kits in the in-bond liquor storeroom; and

(2) signature samples of the authorized employees.

(d) *Opening of aircraft liquor kits.* Aircraft liquor kits received in an authorized storeroom shall be opened only by authorized airline employees, or by Customs officers.

(e) *Contents of liquor kits.* The employees who break the seals on aircraft liquor kits shall check the contents at once. The employees shall immediately report to the district director any:

- (1) evidence of seal tampering;
- (2) difference between the seal numbers on the liquor kits and those recorded on the stores list; and
- (3) differences in quantity as shown on the stores list.

(f) *Handling the liquor kits.* (1) *Partial bottles.* Partial bottles of liquor may be removed from incoming liquor kits and kept in the in-bond liquor storeroom to be destroyed or combined with other partial bottles. This may be done only under Customs supervision. The costs of Customs supervision shall be paid by the airline.

(2) *Exportation.* The contents of incoming liquor kits may be commingled to restock outbound liquor kits. The commingling must take place in the airline in-bond liquor storeroom, using liquor bottles on which the seal has not been broken.

(3) *Sealing.* All liquor kits shall be sealed as provided in § 122./132(a) before removal from the in-bond liquor storeroom. All seal numbers shall be listed on an outgoing stores list.

§ 122.136 Outgoing stores list.

(a) *Preparation.* Two copies of a serially numbered outgoing stores list shall be prepared by the airline for all liquor and tobacco withdrawn from bonded or non-tax paid stock and added to liquor kits. The outgoing stores, list shall show the total number of bottles for each type liquor, the brand, and the size of each bottle.

(b) *Use of Copies.* The two copies of the outgoing stores list shall be used as follows:

- (1) one copy shall be placed and kept in the outgoing kits until the aircraft leaves the U.S.; and
- (2) one copy must be filed either with the outgoing cargo manifest (for aircraft required to clear) or with Customs before departing, as provided in § 122.133(c). In both cases, the third copy of the inward stores list shall be filed with the outgoing stores list. (See § 122.133(c)).

§ 122.137 Certificate of use.

Any liquor or tobacco withdrawn from the in-bond storeroom and shown on the outgoing stores list shall be recorded, when exported, on a certificate of use prepared by the airline.

SUBPART N—FLIGHTS TO AND FROM THE U.S. VIRGIN ISLANDS

§ 122.141 Definitions.

Under Subpart N, the following definitions apply:

(a) *United States.* The term "U.S." includes the several States, the District of Columbia and Puerto Rico.

(b) *Foreign area.* The term "foreign area" means any area other than the several States, the District of Columbia and Puerto Rico.

§ 122.142 Flights between the U.S. Virgin Islands and a foreign area.**(a) Aircraft arriving in the U.S. Virgin Islands.**

Aircraft arriving in the Virgin Islands from a place other than the U.S. are governed by the provisions of this part which apply to aircraft arriving in a State from a foreign area.

(b) Aircraft leaving the U.S. Virgin Islands. Aircraft leaving the U.S. Virgin Islands for a place other than the U.S. are governed by the provisions of this part that apply to aircraft leaving a State for a foreign area.

§ 122.143 Flights from the U.S. to the U.S. Virgin Islands.

(a) In general. Aircraft on flights from the U.S. to the Virgin Islands are governed by the provisions of this part that apply to aircraft on a flight between two States.

(b) Bureau of the Census. When Bureau of the Census regulations (15 CFR Part 30) apply to aircraft carrying merchandise to the U.S. Virgin Islands from the U.S., permission to depart must be obtained from the district director. Permission to depart shall not be given unless:

(1) a complete manifest and Shipper's Export Declarations as required by 15 CFR Part 30 are filed; or

(2) an incomplete manifest under 15 CFR 30.24 is filed and the complete manifest and Shipper's Export Declarations are filed within 7 business days after departure.

§ 122.144 Flights from the U.S. Virgin Islands to the U.S.

(a) Aircraft not inspected. (1) *On departure.* Aircraft leaving the U.S. Virgin Islands for the U.S. are governed by the provisions of this part that apply to aircraft leaving the U.S. for a foreign area.

(2) *On arrival.* Aircraft departing from the Virgin Islands and arriving in the U.S. are governed by the provisions of this part that apply to aircraft arriving in a State from a foreign area.

(b) Supervision. When aircraft are inspected by Customs in the U.S. Virgin Islands, the district director may order any supervision found necessary to protect the revenue and enforce the laws administered by Customs. This includes the collection of duty and taxes on articles bought in the U.S. Virgin Islands.

(c) Procedure. When an aircraft that was inspected in the U.S. Virgin Islands arrives in the U.S. from the U.S. Virgin Islands, the aircraft commander must be able to give evidence of the inspection to Customs on request. Evidence of the inspection shall be given in the following manner:

(1) A certificate on Customs Form 7507 shall be presented for aircraft registered in the U.S. and:

(i) of domestic origin; or

(ii) of foreign origin, if duty has been paid and the aircraft is proceeding in ballast, or with cargo and/or passengers solely from the U.S. Virgin Islands. Two copies of the certificate shall be given to

the inspecting officers in the U.S. Virgin Islands by the aircraft commander. The certificate shall be marked with the port and date of inspection, and must be signed by the inspecting officer. The original of the certificate must be returned to the aircraft commander, who must keep the certificate for a reasonable time after the end of the flight to the U.S. If requested, the certificate shall be presented to Customs. The certificate may be destroyed or disposed of after a reasonable time at the discretion of the aircraft commander or agent.

(2) A permit to proceed on Customs Form 7507 shall be presented for aircraft registered in the U.S. which are:

- (A) of foreign origin;
- (B) not duty paid; and
- (C) proceeding in ballast.

The permit to proceed, as required by § 122.57, shall be marked with the port and date of inspection, and shall be signed by the inspecting officer in the U.S. Virgin Islands.

(3) A permit to proceed on Customs Form 7507 shall be presented for aircraft registered in a foreign country and proceeding in ballast. The permit to proceed, as required by § 122.56, shall be marked with the port and date of inspection, and shall be signed by the inspecting officer in the U.S. Virgin Islands.

(4) A permit to proceed, or other document, shall be filed as required under Subpart I of this part for an aircraft carrying residue cargo and/or passengers. The permit to proceed shall be marked with the port and date of inspection, and it must be signed by the inspecting officer in the U.S. Virgin Islands.

SUBPART O—PUBLIC AIRCRAFT

§ 122.151 Public aircraft of the U.S. or foreign countries.

(a) *Report of arrival, entry and clearance.*

No report of arrival, entry or clearance is required for any public aircraft of the U.S. or a foreign country when used exclusively in governmental service and not carrying passengers or merchandise for commercial purposes. Aircraft time chartered by the U.S. Government or a foreign government and government-owned aircraft engaged in the carriage of persons or property for commercial purposes are not considered public aircraft.

(b) *Manifest.* The commander of any public aircraft arriving from abroad with cargo on board shall file a manifest, in duplicate, listing all such cargo. The original manifest shall be filed with the district director within 48 hours after arrival of the aircraft. The duplicate copy shall be made available to the discharging inspector at the airport.

(c) *Other agency requirements.* (1) *Agriculture.* The Department of Agriculture has the authority to inspect any aircraft arriving in the U.S. pursuant to Title 7, United States Code, Section 150ff.

(2) *Department of Defense.* All civilian or military aircraft operated by or for the Department of Defense are subject to the requirements of Department of Defense Regulations 5030.49-R, Section III, chapter 7.

SUBPART P—PENALTIES

§ 122.161 In general.

Any person who violates any Customs requirements stated in Part 122, or any regulation that applies to aircraft under § 122.3, is subject to a civil penalty of \$500.00. Any aircraft used as part of such violation is subject to seizure or forfeiture, as provided in the Customs laws. A penalty or forfeiture may be mitigated under Part 171 of this chapter.

§ 122.162 Failure to notify and explain differences in air cargo manifest.

(a) *Application.* Penalties shall be assessed when differences in an air cargo manifest (overages or shortages) are discovered and:

- (1) the required notice and explanation are not made in time;
- (2) the district director is not satisfied that the differences were caused by clerical error or other mistake;
- (3) there has been a loss of revenue to the U.S.; or
- (4) the district director is not satisfied that there was a valid reason for delay in reporting any differences.

(b) *Definition.* Under this section, "clerical error or other mistake" means a non-negligent, inadvertent, or typographical mistake, made when the manifest is prepared, assembled or submitted.

(c) *Repeated differences.* When repeated differences are found in manifests filed by the same person, it may be determined that the differences were a result of negligence and not clerical error or other mistake.

(d) *Knowledge.* A penalty may be assessed for differences in a manifest that are unknown to the aircraft commander or owner.

§ 122.163 Transit air cargo traveling to U.S. ports.

(a) *Application.* When transit air cargo is traveling from the port of arrival to another U.S. port under § 122.119, a liability shall be assessed, as set out in § 18.8 of this Chapter if there has been:

- (1) shortage in delivery;
- (2) irregular delivery; or
- (3) non-delivery.

(b) *Liabilities assessed.* The liabilities assessed under this section are imposed as liquidated damages under a carrier's bond. The basis for assessing the liquidated damages is the value of the merchandise.

(c) *Value of merchandise.* The district director determines the value of merchandise for assessment purposes. Valuation is based on:

(1) any data or documents available to the airline which gave a receipt for the transit air cargo, and available to the importing airline relating to the description and value of the cargo; and

(2) other information available to the district director relating to the same or similar merchandise. If the data or documents required by this section are not submitted within 90 days of the date requested, the district director shall determine value on the basis of other information available to him. The transit air cargo manifest does not reflect value.

§ 122.164 Transportation to another port for exportation.

When transit air cargo is traveling from the port of arrival to another U.S. port for later exportation, any liquidated damages for shortages or irregular delivery shall be assessed as provided in § 122.163.

§ 122.165 Air cabotage.

The air cabotage law (49 U.S.C. 1508(b)) prohibits the transportation of persons, property, or mail for compensation or hire between points of the U.S. in a foreign civil aircraft. The term "foreign civil aircraft" includes all aircraft that are not of U.S. registration except those foreign-registered aircraft leased or chartered to a U.S. air carrier and operated under the authority of regulations issued by the Department of Transportation, 14 CFR 121.153, and those aircraft used exclusively in the service of any government.

Customs officers detecting possible violations shall report the matter to Headquarters, Attention: Carrier Rulings Branch. Liability should not be assessed under 49 U.S.C. 1471 pending instructions from Headquarters since certain limited domestic transportation by foreign civil aircraft is permitted under regulations issued by the Civil Aeronautics Board (14 CFR Part 375).

WILLIAM VON RAAB,
Commissioner of Customs.

Approved: June 13, 1985.

JOHN M. WALKER, Jr.,
Assistant Secretary of the Treasury.

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PARALLEL REFERENCE TABLE

[This table shows the relationship of sections in revised Part 122 to superseded Part 6]

Revised section	Superseded section
122.1.....	New.
122.2(a).....	New.
122.2(b).....	6.1(e).

PARALLEL REFERENCE TABLE—Continued

[This table shows the relationship of sections in revised Part 122 to superseded Part 6]

Revised section	Superseded section
122.2(c).....	6.1(g).
122.2(d).....	New.
122.2(e).....	6.1(h).
122.2(f).....	New.
122.2(g).....	Based on 19 CFR 24.18.
122.2(h).....	New.
122.2(i).....	New.
122.2(j).....	New.
122.2(k).....	6.1(f).
122.2(l).....	6.1(b), (c).
122.3.....	6.10.
122.4.....	6.6(b).
122.5.....	6.6(a).
122.6.....	6.6(a).
122.11(a).....	6.12(a), (b), (d).
122.11(b).....	6.12(c).
122.11(c).....	6.12(e).
122.12(a).....	6.12(f).
122.12(b).....	6.12(g).
122.12(c).....	6.12(h).
122.12(d).....	6.12(i).
122.13.....	6.13.
122.21.....	New.
122.22.....	New.
122.23(a).....	New.
122.23(b), (c), (d), (e).....	6.14(a).
122.23(f).....	New.
122.24(a), (b).....	6.14(b), (g).
122.25(a), (b), (c), (d).....	6.14(f).
122.26.....	New.
122.27.....	Based on 19 CFR 148.5.
122.28.....	Based on 19 CFR 148.32.
122.29.....	New.
122.30.....	6.10 and 6.11.
122.31(a).....	6.2(b)(1).
122.31(b).....	6.2(b)(3).
122.31(b)(1).....	6.2(b)(1).
122.31(c)(2).....	6.2(b)(2).
122.31(d).....	6.2(b)(4).
122.31(e).....	6.2(b)(5).
122.31(f).....	6.2(b)(1).
122.31(g).....	6.2(b)(1).
122.32.....	6.2(a).
122.33.....	6.2(a).
122.34.....	6.2(a).
122.35.....	6.2(h).
122.36.....	6.2(b)(6).
122.37.....	6.2(h).
122.38(a).....	6.2(e), (f).
122.38(b).....	6.2(e), (f).
122.38(c).....	6.2(g).

PARALLEL REFERENCE TABLE—Continued

[This table shows the relationship of sections in revised Part 122 to superseded Part 6]

Revised section	Superseded section
122.38(d).....	6.2(e), (f).
122.38(e).....	6.2(e), (f).
122.38(f).....	6.2(e), (f).
122.38(g).....	New. Based on Customs Circular INS-2-EV, dated 12-14-61.
122.41.....	6.3(a), 6.4(a), (b) and 6.9(c).
122.42(a), (b).....	6.3(b) and 6.4(c).
122.43(a), (c).....	6.7(a), (b).
122.43(b).....	New. Based on Customs Circular AIR-4-ICS, dated 1-24-68.
122.44.....	New. Based on Customs Circular BAG-3-CO (AIR-4-AIR), dated 8-9-65.
122.45.....	6.7(b)(1).
122.45(d).....	New. Based on Customs Circular BAG-3-CO (AIR-4-AIR), dated 8-9-65.
122.46(a).....	6.7(b)(2).
122.46(b).....	6.7(b)(2). Also based on Customs Circular AIR-4-ICS, dated 1-24-68.
122.46(c).....	6.7(b)(2).
122.47(a).....	6.7(f).
122.47(b).....	6.7(f).
122.47(c)(1).....	6.7(b)(3)(v).
122.47(c)(2).....	6.7(b)(3)(V), (vi).
122.47(d).....	6.7(f).
122.48(a), (b), (c), (d).....	6.7(b)(3).
122.48(e).....	New. Based on Customs Circular ATR-7-IEI, dated 1-31-72.
122.49(a).....	6.7(h)(1), (2).
122.49(b), (c), (d), (e), (f).....	6.7(h)(1), (3). Also based on 19 CFR 4.12(a).
122.51.....	6.2(d)(3).
122.52(a), (b), (c).....	6.2(d)(3).
122.52(d).....	6.2(d)(3)(ii). Also based on T.D. 55063(1), dated 3-4-60.
122.53.....	New. Based on 14 CFR 121.153.
122.54(a), (b), (c), (d), (e), (f).....	6.2(d)(1).
122.54(g).....	6.2(d)(2).
122.61(a).....	6.3(c).
122.62(a), (b), (c).....	6.3(c).
122.63(a), (b).....	6.5(c).

PARALLEL REFERENCE TABLE—Continued

[This table shows the relationship of sections in revised Part 122 to superseded Part 6]

Revised section	Superseded section
122.64.....	6.3(d).
122.65.....	New.
122.71.....	6.8(a).
122.72.....	6.8(a).
122.73.....	6.8(b). Also based on T.D. 82-92, dated March 22, 1982.
122.74(a).....	6.8(a). Also based on 15 CFR 30.24.
122.74(b).....	6.8(a).
122.74(c).....	6.8(a). Also based on 15 CFR 30.24(a).
122.74(c)(1).....	6.8(a). Also based on 15 CFR 30.24(a).
122.74(c)(2).....	6.8(e). Also based on 15 CFR 30.24(a)(1).
122.74(c)(3).....	6.8(a). Also based on 15 CFR 30.24(a)(1).
122.74(d).....	6.8(e).
122.75(a)(1), (2).....	6.8(e). Also based on 15 CFR 30.21(b).
122.75(b).....	6.8(e).
122.76.....	6.8(a). Also based on 15 CFR 30.1.
122.77.....	6.8(d).
122.78.....	6.8(c).
122.79(a), (b).....	6.3(c) and 6.5(b).
122.80.....	6.8(e).
122.81.....	6.9(a).
122.82.....	6.9(a). Also based on 19 CFR 4.85(a), 19 CFR 113.13a(a), (b) and 19 CFR 113.61.
122.83(a), (b), (c), (d).....	6.9(b).
122.83(e).....	6.9.
122.83(f).....	6.9(b).
122.84(a), (b), (c), (d).....	6.9(c).
122.85.....	6.9(d).
122.86.....	New. Based on Customs Circular AIR-7-EV, dated 11-23-59.
122.87.....	6.9(e).
122.91.....	6.15(a).
122.92(a), (b).....	6.15(b)(1), (2).
122.92(c).....	6.15(b)(3).
122.92(d).....	6.15(b)(4).
122.92(e).....	6.15(b)(5).
122.92(f), (g).....	6.15(b)(6).
122.93(a).....	6.15(c).
122.93(b).....	6.15.
122.94(a), (b).....	6.16.

PARALLEL REFERENCE TABLE—Continued

[This table shows the relationship of sections in revised Part 122 to superseded Part 6]

Revised section	Superseded section
122.95.....	6.15(a).
122.101.....	New. Based on Customs Circular AIR-7-IEI, dated 1-31-72.
122.102.....	New. Based on Customs Circular AIR-7-IEI, dated 1-31-72.
122.111.....	6.17.
122.112(a), (b), (c).....	6.17.
122.112(d).....	6.18(a).
122.113.....	6.18(a).
122.114(a).....	6.18(a). Also based on Customs Circular AIR-7-EV, dated 5-8-62.
122.114(b).....	6.18(b).
122.114(b)(2).....	6.18(b).
122.114(c).....	6.18(d).
122.114(d).....	6.18(f).
122.114(e).....	6.18(e).
122.115.....	6.18(e). Also based on Customs Circular AIR-7-EV, dated 5-8-62.
122.116.....	6.19.
122.117(a).....	6.20(c).
122.117(b).....	6.20(b), (d).
122.117(c), (d).....	6.20(c).
122.118(a).....	6.24(a).
122.118(b).....	6.21(c).
122.118(c).....	6.24(b), (c).
122.118(d).....	6.24(g).
122.118(e).....	New. Based on 19 CFR 18.25.
122.118(f).....	New. Based on Customs Circular AIR-7-CO, dated 3-17-65.
122.118(g).....	6.24(d).
122.119(a).....	6.22(a).
122.119(b).....	6.21(a).
122.119(c).....	6.22(a). Also based on Customs Circular TRA-1-IMS, dated 7-15-68.
122.119(d).....	6.22(c), (d).
122.119(e).....	6.22(a).
122.120(a).....	6.23(a).
122.120(b)(1).....	6.23(a).
122.120(b)(2).....	6.23(c).
122.120(c).....	6.21(b).
122.120(d).....	6.23.
122.120(e).....	6.23(b).
122.120(f).....	6.23(c).

PARALLEL REFERENCE TABLE—Continued

[This table shows the relationship of sections in revised Part 122 to superseded Part 6]

Revised section	Superseded section
122.120(g).....	6.23(e).
122.120(h).....	6.23(d).
122.120(i), (j).....	6.23(h).
122.120(k).....	6.23(g).
122.131 through 122.137.....	New. Based on Customs Circular AIR-7-AIR, dated 6-16-64.
122.141.....	New definition section.
122.142.....	6.25(a).
122.143.....	6.25(b).
122.144(a)(1).....	6.25(c)(1).
122.144(a)(2).....	6.25(c)(2).
122.144(b).....	6.25(c)(3).
122.144(c).....	6.25(c)(4).
122.144(d).....	6.25(c)(5).
122.151.....	New. Based on 19 CFR 4.5.
122.161.....	6.10.
122.162.....	6.7(h).
122.163.....	6.22(e).
122.164.....	6.23(g).
122.165.....	New. Based on Customs Circular AIR-4-CR, dated 11-12-72.

PARALLEL REFERENCE TABLE

[This table shows the relationship of sections in Part 6 to revised Part 122]

Superseded section	Revised section
6.1(b), (c).....	122.2(1).
6.1(e).....	122.2(b).
6.1(f).....	122.2(k).
6.1(g).....	122.2(c).
6.1(h).....	122.2(e).
6.2(a).....	122.32, 122.33, 122.34.
6.2(b).....	122.31.
6.2(b)(6).....	122.36.
6.2(d)(1).....	122.54(a) through (f).
6.2(d)(2).....	122.54(g).
6.2(d)(3).....	122.51 and 122.52.
6.2(e), (f).....	122.38(a), (b), (d), (e) and (f).
6.2(g).....	122.38(c).
6.2(h).....	122.35 and 122.37.
6.3(a).....	122.41.
6.3(b).....	122.42(a), (b).
6.3(c).....	122.61(a), 122.62(a), (b), (c) and 122.79(a).

PARALLEL REFERENCE TABLE—Continued

[This table shows the relationship of sections in Part 6 to revised Part 122]

Superseded section	Revised section
6.3(d).....	122.64.
6.4(a) and (b).....	122.41.
6.4(c).....	122.42(b).
6.5(b), (c).....	122.63(a), (b) and 122.79(b).
6.6(a).....	122.5 and 122.6.
6.6(b).....	122.4.
6.7(a).....	122.43(a).
6.7(b).....	122.43(c), 122.45, 122.46(a), (b), (c) and 122.47(c).
6.7(f).....	122.47(a), (b), and (d).
6.7(h).....	122.49, and 122.162.
6.8(a).....	122.71, 122.72, 122.74(a), (b), and (c)(1) and (3), and 122.76.
6.8(b).....	122.73.
6.8(c).....	122.78.
6.8(d).....	122.77.
6.8(e).....	122.74(c)(2), 122.74(d), 122.75(a), (1) and (2), 122.75(b) and 122.80.
6.9(a).....	122.81 and 122.82.
6.9(b).....	122.83.
6.9(c).....	122.84.
6.9(d).....	122.85.
6.9(e).....	122.87.
6.10.....	122.3, 122.30 and 122.161.
6.11.....	122.30.
6.12(a), (b), (d).....	122.11(a).
6.12(c).....	122.11(b).
6.12(e).....	122.11(c).
6.12(f), (g), (h), (i).....	122.12.
6.13.....	122.13.
6.14(a).....	122.23(b), (c), (d), (e).
6.14(b), (g).....	122.24(a), (b)
6.14(f).....	122.25.
6.15(a).....	122.91 and 122.95.
6.15(b).....	122.92.
6.15(c).....	122.93.
6.16.....	122.94.
6.17.....	122.111 and 122.112(a), (b), (c).
6.18(a).....	122.112(d), 122.113, and 122.114(a).
6.18(b).....	122.114(b).
6.18(d).....	122.114(c).
6.18(e).....	122.114(e).
6.18(f).....	122.114(d).
6.19.....	122.116.
6.20(b), (d).....	122.117(b).
6.20(c).....	122.117(a), (c), and (d).

PARALLEL REFERENCE TABLE—Continued

[This table shows the relationship of sections in Part 6 to revised Part 122]

Superseded section	Revised section
6.21(a).....	122.119(b).
6.21(b).....	122.120(c).
6.21(c).....	122.118(b).
6.22(a).....	122.119(a), (c), and (e).
6.22(c), (d).....	122.119(d).
6.22(e).....	122.163.
6.23(a).....	122.120(a) and (b)(1).
6.23(b).....	122.120(e).
6.23(c).....	122.120(b)(2) and (f).
6.23(d).....	122.120(h).
6.23(e).....	122.120(g).
6.23(g).....	122.120(k) and 122.164.
6.23(h).....	122.120(i), (j).
6.24(a).....	122.118(a).
6.24(b), (c).....	122.118(c).
6.24(d).....	122.118(g).
6.24(g).....	122.118(d).
6.25(a).....	122.142.
6.25(b).....	122.143.
6.25(c)(1).....	122.144(a)(1).
6.25(c)(2).....	122.144(a)(2).
6.25(c)(3).....	122.144(b).
6.25(c)(4).....	122.144(c).
6.25(c)(5).....	122.144(d).

United States Court of International Trade

One Federal Plaza

New York, N.Y. 10007

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Edward D. Re

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United States and International Trade

A Study of the
Factors Influencing
the Growth of
Foreign Commerce

By
J. H. COHEN
Professor of Economics
University of California, Berkeley

The author's previous work
on the subject of
international trade
has been widely
recognized and
has been the basis
of many of the
present-day theories
of the subject.

This book is a
comprehensive
study of the
factors influencing
the growth of
foreign commerce
and is a valuable
contribution to
the literature of
the subject.

The book is
written in a
clear and
concise style
and is
suitable for
use in
the classroom.

It is
a valuable
reference
work for
all those
interested
in the
subject of
international
trade.

UNITED STATES COURT OF INTERNATIONAL TRADE

ANNOUNCEMENT

Chief Judge Edward D. Re has announced the call of the Second Annual Judicial Conference of the United States Court of International Trade. The Conference is scheduled for Wednesday, October 23, 1985, in The Ballroom at Windows on the World, 106th Floor, One World Trade Center, New York, New York and will commence at 9:00 a.m.

The Conference will be composed of the Judges of the United States Court of International Trade, officials from the International Trade Commission, the Customs Service, the Departments of Justice, Commerce, and Treasury, members of the Bar of the Court, and other distinguished guests. The theme of the Conference is "Expanded Opportunities for Judicial Review."

The Chief Justice of the United States, the Honorable Warren E. Burger, will present an award to Congressman Peter W. Rodino, Jr., Chairman, Committee on the Judiciary, United States House of Representatives, for his outstanding contributions to the administration of justice in international trade law.

Last year, the First Annual Judicial Conference was attended by over 400 conferees from 20 states.

Lawyers and other interested persons are invited to attend. Since capacity is limited, early return of your registration form is suggested. To facilitate final arrangements, it would be appreciated if your registration form is received on or before Friday, September 20, 1985.

For further information, please write to:

USCIT Judicial Conference
c/o Office of the Clerk
United States Court of International Trade
One Federal Plaza
New York, New York 10007

JOSEPH E. LOMBARDI,
Clerk of Court.

ABSTRACTED REAPPRAISE

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	
R85/338	Watson, J. July 9, 1985	Bruce Duncan Co.	R61/1448	Export value	F.o. p b v P
R85/339	Watson, J. July 9, 1985	Bruce Duncan Co.	R61/3085, etc.	Export value	Ap o 7
R85/340	Watson, J. July 9, 1985	Consolidated Imports	R61/16936	Export value	Ap o 7
R85/341	Watson, J. July 9, 1985	Distributors Import	R64/15857	Export value	Ap 7
R85/342	Watson, J. July 9, 1985	Laco Supply Co.	R61/17185	Export value	F.o. p b v P
R85/343	Watson, J. July 9, 1985	New York Merchandise Co.	R63/4536	Export value	Ap 7

ABSTRACTED REAPPRAISE

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	
R85/338	Watson, J. July 9, 1985	Bruce Duncan Co.	R61/1448	Export value	F.o. p b v P
R85/339	Watson, J. July 9, 1985	Bruce Duncan Co.	R61/3085, etc.	Export value	Ap o 7
R85/340	Watson, J. July 9, 1985	Consolidated Imports	R61/16936	Export value	Ap o 7
R85/341	Watson, J. July 9, 1985	Distributors Import	R64/15857	Export value	Ap 7
R85/342	Watson, J. July 9, 1985	Laco Supply Co.	R61/17185	Export value	F.o. p b v P
R85/343	Watson, J. July 9, 1985	New York Merchandise Co.	R63/4536	Export value	Ap 7

ASSESSMENT DECISIONS

HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety
Appraised values as shown on entry documents, less 7.5% thereof, net packed	Agreed statement of facts	San Francisco Radios
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	New Orleans Transistor radios, together with their accessories and parts; an entirety
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	San Diego Flatware

ASSESSMENT DECISIONS

HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety
Appraised values as shown on entry documents, less 7.5% thereof, net packed	Agreed statement of facts	San Francisco Radios
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	New Orleans Transistor radios, together with their accessories and parts; an entirety
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	San Diego Flatware

R85/344	Watson, J. July 9, 1985	New York Merchandise Co.	R64/17466	Export value	F.o.b. plus bel voi pro
R85/345	Watson, J. July 9, 1985	Southern Precision Instrument Co.	289407	Export value	Appr 7.5
R85/346	Watson, J. July 9, 1985	United Silver & Cutlery Co.	R59/17572, etc.	Export value	F.o.b. plus bel voi pro
R85/347	Watson, J. July 9, 1985	W.J. Byrnes & Co.	R59/9044, etc.	Export value	Appr the
R85/348	Re, C.J. July 10, 1985	Mr. Roy Jennings	67/72426	Export value	Appr \$1, \$1, \$2
R85/349	Watson, J. July 10, 1985	C & H Co.	R65/15270, etc.	Export value	F.o.b. plus bel voi pro pac
R85/350	Watson, J. July 10, 1985	C.T. Takahashi	R60/3290, etc.	Export value, items marked A and B	F.o.b. 20 two pri val Appr 7.5

R85/344	Watson, J. July 9, 1985	New York Merchandise Co.	R64/17466	Export value	F.o.b. plus bel voi pro
R85/345	Watson, J. July 9, 1985	Southern Precision Instrument Co.	289407	Export value	Appr 7.5
R85/346	Watson, J. July 9, 1985	United Silver & Cutlery Co.	R59/17572, etc.	Export value	F.o.b. plus bel voi pro
R85/347	Watson, J. July 9, 1985	W.J. Byrnes & Co.	R59/9044, etc.	Export value	Appr the
R85/348	Re, C.J. July 10, 1985	Mr. Roy Jennings	67/72426	Export value	Appr \$1, \$1, \$2
R85/349	Watson, J. July 10, 1985	C & H Co.	R65/15270, etc.	Export value	F.o.b. plus bel voi pro pac
R85/350	Watson, J. July 10, 1985	C.T. Takahashi	R60/3290, etc.	Export value, items marked A and B	F.o.b. 20 two pri val Appr 7.5

F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	San Francisco Transistor radios, together with their accessories and parts; an entirety
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	San Antonio Binoculars
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety
Appraised values less 7.5% thereof	Agreed statement of facts	New York Silk fabric
Appraised unit price of \$14,500.00 plus extras of \$1,178.00 and plans of \$275.00	Jennings v. U.S., C.D. 3914	Seattle One thirty-six foot, nine inch Auxiliary Ketch Wanderbird with gas engine and accessories
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values, net packed	Agreed statement of facts	Seattle Transistor radios, together with their accessories and parts; an entirety
F.o.b. invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values, items marked A Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	Seattle Binoculars

F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	San Francisco Transistor radios, together with their accessories and parts; an entirety
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	San Antonio Binoculars
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety
Appraised values less 7.5% thereof	Agreed statement of facts	New York Silk fabric
Appraised unit price of \$14,500.00 plus extras of \$1,178.00 and plans of \$275.00	Jennings v. U.S., C.D. 3914	Seattle One thirty-six foot, nine inch Auxiliary Ketch Wanderbird with gas engine and accessories
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values, net packed	Agreed statement of facts	Seattle Transistor radios, together with their accessories and parts; an entirety
F.o.b. invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values, items marked A Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	Seattle Binoculars

ABSTRACTED REAPPRAISEMENT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	
R85/351	Watson, J. July 10, 1985	C.T. Takahashi	R60/3293, etc.	Export value	F.o. p b v p p
R85/352	Watson, J. July 10, 1985	Davis Products, Inc.	R61/17220	Export value	App 7.
R85/353	Watson, J. July 10, 1985	Rex Sales, Inc.	296846A, etc.	Export value, items marked A and B	F.o. 2 tv p v n App 7
R85/354	Watson, J. July 10, 1985	S. Shamash & Sons, Inc.	R58/17966, etc.	Export value	F.o. p b a
R85/355	Watson, J. July 10, 1985	S. Shamash & Sons, Inc.	R58/20732, etc.	Export value	F.o. p b a
R85/356	Watson, J. July 10, 1985	Southern Precision Instrument Co.	R59/6627	Export value	F.o. p b v p

ABSTRACTED REAPPRAISEMENT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	
R85/351	Watson, J. July 10, 1985	C.T. Takahashi	R60/3293, etc.	Export value	F.o. p b v p p
R85/352	Watson, J. July 10, 1985	Davis Products, Inc.	R61/17220	Export value	App 7
R85/353	Watson, J. July 10, 1985	Rex Sales, Inc.	296846A, etc.	Export value, items marked A and B	F.o. 2 tv p v n App 7
R85/354	Watson, J. July 10, 1985	S. Shamash & Sons, Inc.	R58/17966, etc.	Export value	F.o. p b a
R85/355	Watson, J. July 10, 1985	S. Shamash & Sons, Inc.	R58/20732, etc.	Export value	F.o. p b a
R85/356	Watson, J. July 10, 1985	Southern Precision Instrument Co.	R59/6627	Export value	F.o. p b v p

DIFFERENT DECISIONS—Continued

HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values, net packed	Agreed statement of facts	Seattle Binoculars
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	New York Transistor radios, together with their accessories and parts; an entirety
F.o.b. invoice prices plus 20% of difference be- tween f.o.b. unit invoice prices and appraised values, net packed, items marked A	Agreed statement of facts	San Francisco Canned tuna
Appraised unit values less 7.5% thereof, net packed		
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York Silk fabrics
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York Silk fabrics
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values	Agreed statement of facts	San Antonio Radios/Binoculars

DIFFERENT DECISIONS—Continued

HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values, net packed	Agreed statement of facts	Seattle Binoculars
Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	New York Transistor radios, together with their accessories and parts; an entirety
F.o.b. invoice prices plus 20% of difference be- tween f.o.b. unit invoice prices and appraised values, net packed, items marked A	Agreed statement of facts	San Francisco Canned tuna
Appraised unit values less 7.5% thereof, net packed		
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York Silk fabrics
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York Silk fabrics
F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values	Agreed statement of facts	San Antonio Radios/Binoculars

R85/357	Watson, J. July 10, 1985	United Silver & Cutlery Co.	R69/13050	Export value	F
R85/358	Watson, J. July 12, 1985	Western Pacific Import Co.	R59/15865, etc.	Export value	A

R85/357	Watson, J. July 10, 1985	United Silver & Cutlery Co.	R69/13050	Export value	F
R85/358	Watson, J. July 12, 1985	Western Pacific Import Co.	R59/15865, etc.	Export value	A

F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Los Angeles Flatware
Appraised unit values less 7.5% thereof net packed	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety

F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Los Angeles Flatware
Appraised unit values less 7.5% thereof net packed	Agreed statement of facts	Los Angeles Transistor radios, together with their accessories and parts; an entirety

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